



**EMTC**  
Simplifying Global E-commerce

# Proposal for 21<sup>st</sup> Century Customs Framework

**November 2022**

*E-Merchants Trade Council, Inc. (EMTC) was formed in July 2021 to represent the interests of the e-commerce industry by creating a global community of micro, small and medium size enterprise (MSMEs) e-sellers, marketplace platforms, and service providers to resolve trade, tax and transportation challenges. EMTC's advocacy mission is to support national and international policies that simplify cross-border transactions of physical and digital goods. EMTC facilitates dialogue among the E-Merchant worldwide community and global regulators.*

*EMTC's Proposal for 21<sup>st</sup> Century Customs Framework (21CCF) is a redline of Titles 6 (Homeland Security) and 19 (Customs Duties) of the U.S. Code to put into specific statutory text EMTC's recommendations on the Customs Modernization Act of 2021:*

- *Customs Modernization should*
  - *Simplify and streamline customs processes*
  - *Reduce data submissions*
  - *Leverage advanced technology that enhances risk-based methodologies*
- *Create a New Statutory Framework for Customs Modernization that*
  - *Provides for recognition of industry supply chain security programs*
  - *Creates a bucket category for informal entries under the Harmonized Tariff Schedule*
  - *Institutes account-based management*
  - *Authorize use of algorithmic decision-making for customs determinations*
  - *Establishes a single data filing for security and release of merchandise*
  - *Authorizes agents to file entry data based on best available information while limiting agency liability*
  - *Addresses the unique procedure for express delivery with single filing and expedited release*
  - *Adds a right to make entry for informal shipments*

*EMTC believes that these amendments to the current customs statute will accommodate the new non-traditional parties involved in cross-border transactions and integrate them into a risk-based regulatory regime.*

## EMTC Proposal to 21CCF Task Force

### 6 U.S.C. § 961 – Establishment [of C-TPAT]

#### § 961. Establishment

##### (a) Establishment

The Secretary, acting through the Commissioner, is authorized to establish a voluntary government-private sector program (to be known as the “Customs–Trade Partnership Against Terrorism” or “C–TPAT”) to strengthen and improve the overall security of the international supply chain and United States border security, and to facilitate the movement of secure cargo through the international supply chain, by providing benefits to participants meeting or exceeding the program requirements. Participants in C–TPAT shall include Tier 1 participants, Tier 2 participants, and Tier 3 participants.

##### (b) Minimum security requirements

The Secretary, acting through the Commissioner, shall review the minimum security requirements of C–TPAT at least once every year and update such requirements as necessary.

(PUB. L. 109–347, TITLE II, § 211, Oct. 13, 2006, 120 STAT. 1909.)

#### § 962. Eligible entities

Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C–TPAT.

#### § 963. Minimum requirements An applicant seeking to participate in C–TPAT shall—

- (1) demonstrate a history of moving cargo in the international supply chain;
- (2) conduct an assessment of its supply chain based upon security criteria established by the Secretary, acting through the Commissioner, including—
  - (A) business partner requirements;
  - (B) container security;
  - (C) physical security and access controls;
  - (D) personnel security;
  - (E) procedural security;
  - (F) security training and threat awareness; and
  - (G) information technology security;
- (3) implement and maintain security measures and supply chain security practices meeting security criteria established by the Commissioner; and
- (4) meet all other requirements established by the Commissioner, in consultation with the Commercial Operations Advisory Committee.

§ 964. Tier 1 participants in C-TPAT

(a) Benefits

The Secretary, acting through the Commissioner, shall offer limited benefits to a Tier 1 participant who has been certified in accordance with the guidelines referred to in subsection (b). Such benefits may include a reduction in the score assigned pursuant to the Automated Targeting System of not greater than 20 percent of the high-risk threshold established by the Secretary.

(b) Guidelines

Not later than 180 days after October 13, 2006, the Secretary, acting through the Commissioner, shall update the guidelines for certifying a C-TPAT participant's security measures and supply chain security practices under this section. Such guidelines shall include a background investigation and extensive documentation review.

(c) Timeframe

To the extent practicable, the Secretary, acting through the Commissioner, shall complete the Tier 1 certification process within 90 days of receipt of an application for participation in C-TPAT.

§ 965. Tier 2 participants in C-TPAT

(a) Validation

The Secretary, acting through the Commissioner, shall validate the security measures and supply chain security practices of a Tier 1 participant in accordance with the guidelines referred to in subsection (c). Such validation shall include on-site assessments at appropriate foreign locations utilized by the Tier 1 participant in its supply chain and shall, to the extent practicable, be completed not later than 1 year after certification as a Tier 1 participant.

(b) Benefits

The Secretary, acting through the Commissioner, shall extend benefits to each C-TPAT participant that has been validated as a Tier 2 participant under this section, which may include—

- (1) reduced scores in the Automated Targeting System;
- (2) reduced examinations of cargo; and
- (3) priority searches of cargo.

(c) Guidelines

Not later than 180 days after October 13, 2006, the Secretary, acting through the Commissioner, shall develop a schedule and update the guidelines for validating a participant's security measures and supply chain security practices under this section.

§ 966. Tier 3 participants in C-TPAT

(a) In general

The Secretary, acting through the Commissioner, shall establish a third tier of C-TPAT participation that offers additional benefits to participants who demonstrate a sustained commitment to maintaining security measures and supply chain security practices that exceed the guidelines established for validation as a Tier 2 participant in C-TPAT under SECTION 965 OF THIS TITLE.

(b) Criteria

The Secretary, acting through the Commissioner, shall designate criteria for validating a C-TPAT participant as a Tier 3 participant under this section. Such criteria may include—

- (1) compliance with any additional guidelines established by the Secretary that exceed the guidelines established pursuant to SECTION 965 OF THIS TITLE for validating a C-TPAT participant as a Tier 2 participant, particularly with respect to controls over access to cargo throughout the supply chain;
- (2) submission of additional information regarding cargo prior to loading, as determined by the Secretary;
- (3) utilization of container security devices, technologies, policies, or practices that meet standards and criteria established by the Secretary; and
- (4) compliance with any other cargo requirements established by the Secretary.

(c) Benefits

The Secretary, acting through the Commissioner, in consultation with the Commercial Operations Advisory Committee and the National Maritime Security Advisory Committee, shall extend benefits to each C-TPAT participant that has been validated as a Tier 3 participant under this section, which may include—

- (1) the expedited release of a Tier 3 participant's cargo in destination ports within the United States during all threat levels designated by the Secretary;
- (2) further reduction in examinations of cargo;
- (3) priority for examinations of cargo; and
- (4) further reduction in the risk score assigned pursuant to the Automated Targeting System; and
- (5) inclusion in joint incident management exercises, as appropriate.

(d) Deadline

Not later than 2 years after October 13, 2006, the Secretary, acting through the Commissioner, shall designate appropriate criteria pursuant to subsection (b) and provide benefits to validated Tier 3 participants pursuant to subsection (c).

§ 967. Consequences for lack of compliance

(a) In general

If at any time a C-TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this part, the Commissioner may deny the participant benefits otherwise

available under this part, in whole or in part. The Commissioner shall develop procedures that provide appropriate protections to C-TPAT participants before benefits are revoked. Such procedures may not limit the ability of the Commissioner to take actions to protect the national security of the United States.

(b) False or misleading information

If a C-TPAT participant knowingly provides false or misleading information to the Commissioner during the validation process provided for under this part, the Commissioner shall suspend or expel the participant from C-TPAT for an appropriate period of time. The Commissioner, after the completion of the process under subsection (c), may publish in the Federal Register a list of participants who have been suspended or expelled from C-TPAT pursuant to this subsection, and may make such list available to C-TPAT participants.

(c) Right of appeal

(1) In general

A C-TPAT participant may appeal a decision of the Commissioner pursuant to subsection (a). Such appeal shall be filed with the Secretary not later than 90 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

(2) Appeals of other decisions

A C-TPAT participant may appeal a decision of the Commissioner pursuant to subsection (b). Such appeal shall be filed with the Secretary not later than 30 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

§ 968. Third party validations

(a) Plan

The Secretary, acting through the Commissioner, shall develop a plan to implement a 1-year voluntary pilot program to test and assess the feasibility, costs, and benefits of using third party entities to conduct validations of C-TPAT participants.

(b) Consultations

Not later than 120 days after October 13, 2006, after consulting with private sector stakeholders, including the Commercial Operations Advisory Committee, the Secretary shall submit a report to the appropriate congressional committees on the plan described in subsection (a).

(c) Pilot program

(1) In general

Not later than 1 year after the consultations described in subsection (b), the Secretary shall carry out the 1-year pilot program to conduct validations of C-TPAT participants using third party entities described in subsection (a).

(2) Authority of the Secretary

The decision to validate a C-TPAT participant is solely within the discretion of the Secretary, or the Secretary's designee.

(d) Certification of third party entities

The Secretary shall certify a third party entity to conduct validations under subsection (c) if the entity—

(1) demonstrates to the satisfaction of the Secretary that the entity has the ability to perform validations in accordance with standard operating procedures and requirements designated by the Secretary; and

(2) agrees—

(A) to perform validations in accordance with such standard operating procedures and requirements (and updates to such procedures and requirements); and

(B) to maintain liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary; and

(3) signs an agreement to protect all proprietary information of C-TPAT participants with respect to which the entity will conduct validations.

(e) Information for establishing limits of liability insurance

A third party entity seeking a certificate under subsection (d) shall submit to the Secretary necessary information for establishing the limits of liability insurance required to be maintained by the entity under this Act.

(f) Additional requirements

The Secretary shall ensure that—

(1) any third party entity certified under this section does not have—

(A) any beneficial interest in or any direct or indirect control over the C-TPAT participant for which the validation services are performed; or

(B) any other conflict of interest with respect to the C-TPAT participant; and

(2) the C-TPAT participant has entered into a contract with the third party entity under which the C-TPAT participant agrees to pay all costs associated with the validation.

(g) Monitoring

(1) In general

The Secretary shall regularly monitor and inspect the operations of a third party entity conducting validations under subsection (c) to ensure that the entity is meeting the minimum standard operating procedures and requirements for the validation of C-TPAT participants established by the Secretary and all other applicable requirements for validation services.

(2) Revocation If the Secretary determines that a third party entity is not meeting the minimum standard operating procedures and requirements designated by the Secretary under subsection (d)(1), the Secretary shall—

(A) revoke the entity's certificate of conformance issued under subsection (d)(1); and

(B) review any validations conducted by the entity.

(h) Limitation on authority

The Secretary may only grant a C-TPAT validation by a third party entity pursuant to subsection (c) if the C-TPAT participant voluntarily submits to validation by such third party entity.

(i) Report

Not later than 30 days after the completion of the pilot program conducted pursuant to subsection (c), the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the pilot program, including the extent to which the pilot program ensured sufficient protection for proprietary commercial information;

(2) the cost and efficiency associated with validations under the pilot program;

(3) the impact of the pilot program on the rate of validations conducted under C-TPAT;

(4) any impact on national security of the pilot program; and

(5) any recommendations by the Secretary based upon the results of the pilot program.

#### § 969. Revalidation

The Secretary, acting through the Commissioner, shall develop and implement—

(1) a revalidation process for Tier 2 and Tier 3 participants;

(2) a framework based upon objective criteria for identifying participants for periodic revalidation not less frequently than once during each 4-year period following the initial validation; and

(3) an annual plan for revalidation that includes—

(A) performance measures;

(B) an assessment of the personnel needed to perform the revalidations; and

(C) the number of participants that will be revalidated during the following year.

#### § 970. Noncontainerized cargo

The Secretary, acting through the Commissioner, shall consider the potential for participation in C-TPAT by importers of noncontainerized cargoes that otherwise meet the requirements under this part.

§ 971. C-TPAT program management

(a) In general

The Secretary, acting through the Commissioner, shall establish sufficient internal quality controls and record management to support the management systems of C-TPAT. In managing the program, the Secretary shall ensure that the program includes:

(1) Strategic plan

A 5-year plan to identify outcome-based goals and performance measures of the program.

(2) Annual plan

An annual plan for each fiscal year designed to match available resources to the projected workload.

(3) Standardized work program

A standardized work program to be used by agency personnel to carry out the certifications, validations, and revalidations of participants. The Secretary shall keep records and monitor staff hours associated with the completion of each such review.

(b) Documentation of reviews

The Secretary, acting through the Commissioner, shall maintain a record management system to document determinations on the reviews of each C-TPAT participant, including certifications, validations, and revalidations.

(c) Confidential information safeguards

In consultation with the Commercial Operations Advisory Committee, the Secretary, acting through the Commissioner, shall develop and implement procedures to ensure the protection of confidential data collected, stored, or shared with government agencies or as part of the application, certification, validation, and revalidation processes.

(d) Resource management staffing plan

The Secretary, acting through the Commissioner, shall—

(1) develop a staffing plan to recruit and train staff (including a formalized training program) to meet the objectives identified in the strategic plan of the C-TPAT program; and

(2) provide cross-training in post-incident trade resumption for personnel who administer the C-TPAT program.

(e) Report to Congress

In connection with the President's annual budget submission for the Department, the Secretary shall report to the appropriate congressional committees on the progress made by the Commissioner to certify, validate, and revalidate C-TPAT participants. Such report shall be due on the same date that the President's budget is submitted to the Congress.

§ 972. Additional personnel

For fiscal years 2008 and 2009, the Commissioner shall increase by not less than 50 the number of full-time personnel engaged in the validation and revalidation of C-TPAT participants (over the number of such personnel on the last day of the previous fiscal year), and shall provide appropriate training and support to such additional personnel.

§ 973. Authorization of appropriations

(a) C-TPAT

There are authorized to be appropriated to the United States Customs and Border Protection to carry out the provisions of sections 961 through 971 of this title to remain available until expended—

- (1) \$65,000,000 for fiscal year 2008;
- (2) \$72,000,000 for fiscal year 2009; and
- (3) \$75,600,000 for fiscal year 2010.

(b) Additional personnel

In addition to any amounts otherwise appropriated to the United States Customs and Border Protection, there are authorized to be appropriated for the purpose of meeting the staffing requirement provided for in SECTION 972 OF THIS TITLE, to remain available until expended—

- (1) \$8,500,000 for fiscal year 2008;
- (2) \$17,600,000 for fiscal year 2009;
- (3) \$19,000,000 for fiscal year 2010;
- (4) \$20,000,000 for fiscal year 2011; and
- (5) \$21,000,000 for fiscal year 2012.

(PUB. L. 109-347, TITLE II, § 223, Oct. 13, 2006, 120 STAT. 1915.)

§ 974. Industry Supply Chain Security Programs

(a) Recognition

The Secretary, acting through the Commissioner, is authorized to recognize a voluntary private sector program (to be known as the e-trade facilitator) to strengthen and improve the overall security of the international supply chain for non-traditional importers of record and their agents, and to facilitate the movement of small shipments through the international supply chain, by providing benefits equivalent to participants in C-TPAT, provided that the program is based on known entities whose risk is assessed based on a recognized international standard for supply chain security and international trade.

The Commissioner shall sign a Memorandum of Understanding with a private sector entity upon satisfaction that its standards address meets the security risk posed by the type of importer of record or cargo.

**19 U.S.C. § 1202 – Harmonized Tariff Schedule (Amendment to Chapter 98)**

Subchapter XXIII

Simplified Harmonized for Informal Entry

U.S. Notes

1. This subchapter does not apply to articles subject to partner government agency requirements, trade remedy provisions (e.g. antidumping/countervailing duties, Section 301 tariffs, and Section 232 tariffs), that are restricted or prohibited, and any other specified articles in Note (3) of this subchapter.

2. This subchapter applies to articles entered under 19 U.S.C. 1498, but not qualifying for administrative exemption under Section 321 of the Tariff Act of 1930, as amended.

3. The following articles are not permitted to be classified under the Simplified Harmonized Tariff: (Leave for the U.S. Government to provide – footwear, knitted textiles, etc. . .)

Heading            Article Description            Duty

9823.01

9823.02

9823.03

9823.04

9823.05

**19 U.S.C. § 1415 – Mandatory advance electronic information for cargo and other improved customs reporting procedures**

**(a) CARGO INFORMATION**

**(1) IN GENERAL**

**(A)** Subject to paragraphs (2) and (3), the Secretary is authorized to promulgate regulations providing for the transmission to the Customs Service, through an electronic data interchange system, of information pertaining to cargo to be brought into the United States or to be sent from the United States, prior to the arrival or departure of the cargo.

**(B)** The Secretary shall endeavor to promulgate an initial set of regulations under subparagraph (A) not later than October 1, 2003.

**(2) INFORMATION REQUIRED**

The cargo information required by the regulations promulgated pursuant to paragraph (1) under the parameters set forth in paragraph (3) shall be such information on cargo as the Secretary determines to

be reasonably necessary to ensure cargo safety and security pursuant to those laws enforced and administered by the Customs Service. The [Secretary](#) shall provide to appropriate Federal departments and agencies cargo information obtained pursuant to paragraph (1).

(3) PROVISION OF CARGO INFORMATION.— In providing cargo information to appropriate Federal departments and agencies in accordance with subparagraph (2) above, the Secretary is authorized to approve advanced business procedures that efficiently identify shipments subject to regulations issued by agencies other than U.S. Customs and Border Protection. Information submitted by importers using such advanced business procedures would not be required to include HTS codes for shipments qualifying for the administrative exemption under Section 321 of the Trade Act of 1930. The process to provide this information should include the following capabilities—

- Targeting systems employing sophisticated algorithms or artificial intelligence to identify Federal agency-regulated shipments based on analysis of the shipper, the consignee, and the description of the goods; and
- Review of Federal agency-regulated shipments by a rating team of licensed brokers who determine what additional data the agency requires (PGA message set) for the shipment; and
- Separate manual review of shipments remaining on the manifest not flagged as having Federal agency requirements to ensure all such shipments have been identified; and
- Relevant Federal agencies conducting periodic filer evaluations and review of manifests to ensure all shipments are being properly identified and submitted for Federal agency review.

### **(3) PARAMETERS**

In developing regulations pursuant to paragraph (1), the [Secretary](#) shall adhere to the following parameters:

**(A)** The [Secretary](#) shall solicit comments from and consult with a broad range of parties likely to be affected by the regulations, including importers, exporters, carriers, customs brokers, and freight forwarders, among other interested parties.

**(B)** In general, the requirement to provide particular information shall be imposed on the party most likely to have direct knowledge of that information. Where requiring information from the party with direct knowledge of that information is not practicable, the regulations shall take into account how, under ordinary commercial practices, information is acquired by the party on which the requirement is imposed, and whether and how such party is able to verify the information. Where information is not reasonably verifiable by the party on which a requirement is imposed, the regulations shall permit that party to transmit information on the basis of what it reasonably believes to be true.

**(C)** The [Secretary](#) shall take into account the existence of competitive relationships among the parties on which requirements to provide particular information are imposed.

**(D)** Where the regulations impose requirements on carriers of cargo, they shall take into account differences among different modes of transportation, including differences in commercial practices, operational characteristics, and technological capacity to collect and transmit information electronically.

**(E)** The regulations shall take into account the extent to which the technology necessary for parties to transmit and the Customs Service to receive and analyze data in a timely fashion is available. To the extent that the [Secretary](#) determines that the necessary technology will not be widely available to particular modes of transportation or other affected parties until after promulgation of the regulations,

the regulations shall provide interim requirements appropriate for the technology that is available at the time of promulgation.

**(F)** The information collected pursuant to the regulations shall be used exclusively for ensuring cargo safety and security, preventing smuggling, and commercial risk assessment targeting, and shall not be used for any commercial enforcement purposes, including for determining merchandise entry. Notwithstanding the preceding sentence, nothing in this section shall be treated as amending, repealing, or otherwise modifying title IV of the [Tariff Act of 1930](#) [19 U.S.C. 1401 et seq.] or regulations promulgated thereunder.

**(G)** The regulations shall protect the privacy of business proprietary and any other confidential cargo information provided to the Customs Service pursuant to such regulations, except for the manifest information collected pursuant to section 431 of the [Tariff Act of 1930](#) [19 U.S.C. 1431] and required to be available for public disclosure pursuant to section 431(c) of such Act..[\[1\]](#)

**(H)** In determining the timing for transmittal of any information, the [Secretary](#) shall balance likely impact on flow of commerce with impact on cargo safety and security. With respect to requirements that may be imposed on carriers of cargo, the timing for transmittal of information shall take into account differences among different modes of transportation, as described in subparagraph (D).

**(I)** Where practicable, the regulations shall avoid imposing requirements that are redundant with one another or that are redundant with requirements in other provisions of law. The Secretary, after consultation with the Secretary of Treasury, shall prescribe regulations accepting advance electronic information for cargo security in lieu of entry under section 1484 submitted by parties who participate in an Authorized Economic Operator or other recognized trusted trader programs.

**(J)** The [Secretary](#) shall determine whether it is appropriate to provide transition periods between promulgation of the regulations and the effective date of the regulations and shall prescribe such transition periods in the regulations, as appropriate. The [Secretary](#) may determine that different transition periods are appropriate for different classes of affected parties.

**(K)**

**(i)** The [Secretary](#) shall prescribe regulations requiring the United States Postal Service to transmit the information described in paragraphs (1) and (2) to the Commissioner of U.S. Customs and Border Protection for international mail shipments by the Postal Service (including shipments to the Postal Service from foreign postal operators that are transported by private carrier) consistent with the requirements of this subparagraph.

**(ii)** In prescribing regulations under clause (i), the [Secretary](#) shall impose requirements for the transmission to the Commissioner of information described in paragraphs (1) and (2) for mail shipments described in clause (i) that are comparable to the requirements for the transmission of such information imposed on similar non-mail shipments of cargo, taking into account the parameters set forth in subparagraphs (A) through (J).

**(iii)** The regulations prescribed under clause (i) shall require the transmission of the information described in paragraphs (1) and (2) with respect to a shipment as soon as practicable in relation to the

transportation of the shipment, consistent with subparagraph (H) [but prior to any on-carriage of the shipment](#).

**(iv)** Regulations prescribed under clause (i) shall allow for the requirements for the transmission to the Commissioner of information described in paragraphs (1) and (2) for mail shipments described in clause (i) to be implemented in phases, as appropriate, by—

**(I)** setting incremental targets for increasing the percentage of such shipments for which information is required to be transmitted to the Commissioner; and

**(II)** taking into consideration—

**(aa)** the risk posed by such shipments;

**(bb)** the volume of mail shipped to the United States by or through a particular country; and

**(cc)** the capacities of foreign postal operators to provide that information to the Postal Service.

**(v)**

**(I)** Notwithstanding clause (iv), the Postal Service shall, not later than December 31, 2018, arrange for the transmission to the Commissioner of the information described in paragraphs (1) and (2) for not less than 70 percent of the aggregate number of mail shipments, including 100 percent of mail shipments from the People's Republic of China, described in clause (i).

**(II)** If the requirements of subclause (I) are not met, the Comptroller General of the United States shall submit to the [appropriate congressional committees](#), not later than June 30, 2019, a report—

**(aa)** assessing the reasons for the failure to meet those requirements; and

**(bb)** identifying recommendations to improve the collection by the Postal Service of the information described in paragraphs (1) and (2).

**(vi)**

**(I)** Notwithstanding clause (iv), the Postal Service shall, not later than December 31, 2020, arrange for the transmission to the Commissioner of the information described in paragraphs (1) and (2) for 100 percent of the aggregate number of mail shipments described in clause (i).

**(II)** The Commissioner, in consultation with the Postmaster General, may determine to exclude a country from the requirement described in subclause (I) to transmit information for mail shipments described in clause (i) from the country if the Commissioner determines that the country—

**(aa)** does not have the capacity to collect and transmit such information;

**(bb)** represents a low risk for mail shipments that violate relevant United States laws and regulations; and

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

**(III)** The Commissioner shall, at a minimum on an annual basis, re-evaluate any determination made under subclause (II) to exclude a country from the requirement described in subclause (I). If, at any time, the Commissioner determines that a country no longer meets the requirements under subclause (II), the Commissioner may not further exclude the country from the requirement described in subclause (I).

**(IV)** The Commissioner shall, on an annual basis, submit to the [appropriate congressional committees](#)—

**(aa)** a list of countries with respect to which the Commissioner has made a determination under subclause (II) to exclude the countries from the requirement described in subclause (I); and

**(bb)** information used to support such determination with respect to such countries.

**(vii)**

**(I)** The Postmaster General shall, in consultation with the Commissioner, refuse any shipments received after December 31, 2020, for which the information described in paragraphs (1) and (2) is not transmitted as required under this subparagraph, except as provided in subclause (II) or (III).

**(II)** If remedial action is warranted in lieu of refusal of shipments pursuant to subclause (I), the Postmaster General and the Commissioner shall take remedial action with respect to the shipments, including destruction, seizure, controlled delivery or other law enforcement initiatives, or correction of the failure to provide the information described in paragraphs (1) and (2) with respect to the shipments.

**(III)** Notwithstanding subclause (I), during the period beginning on January 1, 2021, through March 15, 2021, the Postmaster General may accept a shipment without transmission of the information described in paragraphs (1) and (2) if the Commissioner determines, or concurs with the determination of the Postmaster General, that the shipment presents a low risk of violating any relevant United States statutes or regulations, including statutes or regulations relating to the importation of [controlled substances](#) such as fentanyl and other synthetic opioids.

**(viii)** Nothing in this subparagraph shall be construed to limit the authority of the [Secretary](#) to obtain information relating to international mail shipments from private carriers or other appropriate parties.

**(ix)** In this subparagraph, the term “[appropriate congressional committees](#)” means—

**(I)** the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate; and

**(II)** the Committee on Ways and Means, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives.

**(L)** Not later than 15 days prior to publication of a final rule pursuant to this section, the [Secretary](#) shall transmit to the Committees on Finance and Commerce, Science, and Transportation of the Senate and the Committees on Ways and Means and Transportation and Infrastructure of the House of Representatives a report setting forth—

- (i) the proposed regulations;
- (ii) an explanation of how particular requirements in the proposed regulations meet the needs of cargo safety and security;
- (iii) an explanation of how the [Secretary](#) expects the proposed regulations to affect the commercial practices of affected parties;
- (iv) an explanation of how the proposed regulations address particular comments received from interested parties; and
- (v) if the [Secretary](#) determines to amend the proposed regulations after they have been transmitted to the Committees pursuant to this subparagraph, the [Secretary](#) shall transmit the amended regulations to such Committees no later than 5 days prior to the publication of the final rule.

#### **(4) TRANSMISSION OF DATA**

Pursuant to paragraph (2), not later than 1 year after August 10, 2005, the Secretary of Homeland Security, after consultation with the [Secretary](#) of the Treasury, shall establish an electronic data interchange system through which the United States Customs and Border Protection shall transmit to the Internal Revenue Service information pertaining to cargoes of any taxable fuel (as defined in [section 4083 of title 26](#)) that the United States Customs and Border Protection has obtained electronically under its regulations adopted in accordance with paragraph (1). For this purpose, not later than 1 year after August 10, 2005, all filers of required cargo information for such taxable fuels (as so defined) must provide such information to the United States Customs and Border Protection through such electronic data interchange system.

#### **(5) CAPACITY BUILDING**

##### **(A) In general**

The [Secretary](#), with the concurrence of the [Secretary](#) of State, and in coordination with the Postmaster General and the heads of other Federal agencies, as appropriate, may provide technical assistance, equipment, technology, and training to enhance the capacity of foreign postal operators—

- (i) to gather and provide the information required by paragraph (3)(K); and
- (ii) to otherwise gather and provide postal shipment information related to—
  - (I) terrorism;
  - (II) items the importation or introduction of which into the United States is prohibited or restricted, including [controlled substances](#); and
  - (III) such other concerns as the [Secretary](#) determines appropriate.

##### **(B) Provision of equipment and technology**

With respect to the provision of equipment and technology under subparagraph (A), the [Secretary](#) may lease, loan, provide, or otherwise assist in the deployment of such equipment and technology under

such terms and conditions as the [Secretary](#) may prescribe, including non-reimbursable loans or the transfer of ownership of equipment and technology.

**(b) OMITTED**

**(c) SECRETARY**

For purposes of this section, the term “[Secretary](#)” means the [Secretary](#) of the Treasury. If, at the time the regulations required by subsection (a)(1) are promulgated, the Customs Service is no longer located in the Department of the Treasury, then the [Secretary](#) of the Treasury shall exercise the authority under subsection (a) jointly with the [Secretary](#) of the Department in which the Customs Service is located.

([Pub. L. 107–210, div. A, title III, § 343](#), Aug. 6, 2002, [116 Stat. 981](#); [Pub. L. 107–295, title I, § 108\(b\)](#), Nov. 25, 2002, [116 Stat. 2089](#); [Pub. L. 109–59, title XI, § 11165\(a\)](#), Aug. 10, 2005, [119 Stat. 1976](#); [Pub. L. 114–125, title I, § 111\(c\)](#), Feb. 24, 2016, [130 Stat. 140](#); [Pub. L. 115–271, title VIII, § 8003\(a\)\(1\)](#), (b)(1), (e), Oct. 24, 2018, [132 Stat. 4074](#), 4076, 4079; [Pub. L. 116–260, div. N, title VIII, § 802](#), Dec. 27, 2020, [134 Stat. 2119](#).)

**19 U.S.C. § 1431 - Manifest**

**(a) IN GENERAL**

Every vessel required to make entry under [section 1434 of this title](#) or obtain clearance under [section 60105 of title 46](#) shall have a manifest that complies with the requirements prescribed under subsection (d).

**(b) PRODUCTION OF MANIFEST**

Any manifest required by the Customs Service shall be signed, produced, delivered or electronically transmitted by the master or person in charge of the vessel, aircraft, or vehicle, or by any other authorized agent of the owner or operator of the vessel, aircraft, or vehicle in accordance with the requirements prescribed under subsection (d). A manifest may be supplemented by bill of lading data supplied by the issuer of such bill. If any irregularity of omission or commission occurs in any way in respect to any manifest or bill of lading data, the owner or operator of the vessel, aircraft or vehicle, or any party responsible for such irregularity, shall be liable for any fine or penalty prescribed by law with respect to such irregularity. The Customs Service may take appropriate action against any of the parties.

**(c) PUBLIC DISCLOSURE OF CERTAIN MANIFEST INFORMATION**

**(1)** Except as provided in subparagraph (2), the following information, when contained in a vessel ~~vessel~~ [\[1\]](#) or aircraft manifest, shall be available for public disclosure:

~~(A) The name and address of each importer or consignee and the name and address of the shipper to such importer or consignee, unless the importer or consignee has made a biennial certification, in accordance with procedures adopted by the Secretary of the Treasury, claiming confidential treatment of such information.~~

**(B)** The general character of the cargo.

**(C)** The number of packages and gross weight.

(D) The name of the vessel, aircraft, or carrier.

(E) The seaport or airport of loading.

(F) The seaport or airport of discharge.

(G) The country of origin of the shipment.

(H) The trademarks appearing on the goods or packages.

(2) The information listed in paragraph (1) shall not be available for public disclosure if—

(A) the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that disclosure is likely to pose a threat of personal injury or property damage; or

(B) the information is exempt under the provisions of [section 552\(b\)\(1\) of title 5](#).

(3) The Secretary of the Treasury, in order to allow for the timely dissemination and publication of the information listed in paragraph (1), shall establish procedures to provide access to manifests. Such procedures shall include provisions for adequate protection against the public disclosure of information not available for public disclosure from such manifests.

#### (d) REGULATIONS

##### (1) IN GENERAL

The Secretary shall by regulation—

(A) specify the form for, and the information and data that must be contained in, the manifest required by subsection (a);

(B) allow, at the option of the individual producing the manifest and subject to paragraph (2), [letters and documents](#) shipments to be accounted for by summary manifesting procedures [and simplified processes in lieu of filing entry under section 1484](#);

(C) prescribe the manner of production for, and the delivery for electronic transmittal of, the manifest required by subsection (a); and

(D) prescribe the manner for supplementing manifests with bill of lading data under subsection (b).

##### (2) LETTERS AND DOCUMENTS SHIPMENTS

For purposes of paragraph (1)(B)—

(A) the Customs Service may require with respect to [letters and documents](#) shipments—

(i) that they be segregated by country of origin, and

- (ii) additional examination procedures that are not necessary for individually manifested shipments;
- (B) standard letter envelopes and standard document packs shall be segregated from larger document shipments for purposes of customs inspections; and
- (C) the term “[letters and documents](#)” means—
  - (i) data described in General Headnote 4(c) of the Harmonized Tariff Schedule of the United States,
  - (ii) securities and similar evidences of value described in heading 4907 of such Schedule, but not monetary instruments defined pursuant to chapter 53 of title 31, and
  - (iii) personal correspondence, whether on paper, cards, photographs, tapes, or other media.

(June 17, 1930, ch. 497, title IV, § 431, [46 Stat. 710](#); Aug. 8, 1953, ch. 397, § 15, [67 Stat. 516](#); [Pub. L. 98–573, title II, § 203](#), Oct. 30, 1984, [98 Stat. 2974](#); [Pub. L. 100–690, title VII, § 7367\(c\)\(1\)](#), Nov. 18, 1988, [102 Stat. 4479](#); [Pub. L. 103–182, title VI, § 635](#), Dec. 8, 1993, [107 Stat. 2199](#); [Pub. L. 104–153, § 11](#), July 2, 1996, [110 Stat. 1389](#); [Pub. L. 104–295, § 3\(a\)\(3\)](#), Oct. 11, 1996, [110 Stat. 3515](#).)

## **19 U.S.C. § 1484 – Entry of merchandise**

### **(a) REQUIREMENT AND TIME**

(1) Except as provided in sections [1490](#), [1498](#), [1552](#), and [1553](#) of this title, one of the parties qualifying as “importer of record” under paragraph (2)(B), either in person or by an agent authorized by the party in writing, shall, using reasonable care—

(A) make entry therefor by filing with the Bureau of Customs and Border Protection such documentation or, pursuant to an authorized electronic data interchange system, such information as is necessary to enable the Bureau of Customs and Border Protection to determine whether the merchandise may be released from custody of the Bureau of Customs and Border Protection; [\[1\]](#)

(B) complete the entry, or substitute 1 or more reconfigured entries on an import activity summary statement, by filing with the Customs Service the declared value, classification and rate of duty applicable to the merchandise, and such other documentation or, pursuant to an electronic data interchange system, such other information as is necessary to enable the Customs Service to—

(i) properly assess duties on the merchandise,

(ii) collect accurate statistics with respect to the merchandise, and

(iii) determine whether any other applicable requirement of law (other than a requirement relating to release from customs custody) is met.

(2)

**(A)** The documentation or information required under paragraph (1) with respect to any imported merchandise shall be filed or transmitted in such manner and within such time periods as the Secretary shall by regulation prescribe. Such regulations shall provide for the filing of import activity summary statements, and permit the filing of reconfigured entries, covering merchandise released under a special delivery permit pursuant to [section 1448\(b\) of this title](#) and entries or warehouse withdrawals made during a calendar month, within such time period as is prescribed in regulations but not to exceed the 20th day following such calendar month. Entries filed under paragraph (1)(A) shall not be liquidated if covered by an import activity summary statement, but instead each reconfigured entry in the import activity summary statement shall be subject to liquidation or reliquidation pursuant to section 1500, 1501, or 1504 of this title.

**(B)** When an entry of merchandise is made under this section, the required documentation or information shall be filed or electronically transmitted either by the owner or purchaser of the merchandise or, when appropriately designated by the owner, purchaser, or consignee of the merchandise, a person holding a valid license under [section 1641 of this title](#). When a consignee declares on entry that he is the owner or purchaser of merchandise the Customs Service may, without liability, accept the declaration. If a consignee does not declare on the entry that he is the owner or purchaser of the merchandise, the foreign seller may authorize an agent facilitating the shipment to make entry based on the best information available and Customs and Border Protection may, without liability, accept the declaration. Agents authorized to file entry may use security filing data as the best available information to meet its reasonable care obligation under paragraph (1)(1) of this section. For the purposes of this chapter, the importer of record must be one of the parties who is eligible to file the documentation or information required by this section.

**(C)** The Secretary, in prescribing regulations to carry out this subsection, shall establish procedures which ~~insure~~ ensure the accuracy and timeliness of import statistics, particularly statistics relevant to the classification and valuation of imports. Corrections of errors in such statistical data shall be transmitted immediately to the Director of the Bureau of the Census, who shall make corrections in the statistics maintained by the Bureau. The Secretary shall also provide, to the maximum extent practicable, for the protection of the revenue, the enforcement of laws governing the importation and exportation of merchandise, the facilitation of the commerce of the United States, and the equal treatment of all importers of record of imported merchandise.

(D) When an importer of record or an agent authorized to make entry files information pursuant to an electronic data interchange system using a risk-based methodology to assess the admissibility, tariff classification, value and origin of merchandise required under paragraph (a)(1), it shall not be subject to penalty under section 1592. A risk-based methodology shall mean an electronic system interpreting the customs laws and regulations by deploying methods such as natural language processing, knowledge representation, image-based analysis, algorithmic decision-making, and machine learning. The Secretary shall accept a risk-based methodology adopted by an importer of record or an agent provided it received a ruling from U.S. Customs and Border Protection or an opinion letter from a customs expert that the methodology produces consistently correct results.

## **(b) RECONCILIATION**

### **(1) IN GENERAL**

A party may elect to file a reconciliation with regard to such entry elements as are identified by the party pursuant to regulations prescribed by the Secretary. If the party so elects, the party shall declare

that a reconciliation will be filed. The declaration shall be made in such manner as the Secretary shall prescribe and at the time the documentation or information required by subsection (a)(1)(B) or the import activity summary statement is filed with, or transmitted to, the Customs Service, or at such later time as the Customs Service may, in its discretion, permit. The reconciliation shall be filed by the importer of record at such time and in such manner as the Secretary prescribes but not later than 21 months after the date the importer declares his intent to file the reconciliation. In the case of reconciling issues relating to the assessment of antidumping and countervailing duties, the reconciliation shall be filed not later than 90 days after the date the Customs Service advises the importer that the period of review for antidumping or countervailing duty purposes has been completed. Before filing a reconciliation, an importer of record shall post bond or other security pursuant to such regulations as the Secretary may prescribe.

**(2) REGULATIONS REGARDING AD/CV DUTIES**

The Secretary shall prescribe, in consultation with the Secretary of Commerce, such regulations as are necessary to adapt the reconciliation process for use in the collection of antidumping and countervailing duties.

**(c) RELEASE OF MERCHANDISE**

The Customs Service may permit the entry and release of merchandise from customs custody based on security filing data in lieu of entry under paragraph (a)(1) submitted by parties who participate in an Authorized Economic Operator or other recognized trusted trader programs in accordance with such regulations as the Secretary may prescribe. No officer of the Customs Service shall be liable to any person with respect to the delivery of merchandise released from customs custody in accordance with such regulations.

**(d) SIGNING AND CONTENTS**

**(1)** Entries shall be signed by the importer of record, or his agent, unless filed pursuant to an electronic data interchange system. If electronically filed, each transmission of data shall be certified by an importer of record or his agent, one of whom shall be resident in the United States for purposes of receiving service of process, as being true and correct to the best of his knowledge and belief, and such transmission shall be binding in the same manner and to the same extent as a signed document. The entry shall set forth such facts in regard to the importation as the Secretary may require and shall be accompanied by such invoices, bills of lading, certificates, and documents, or their electronically submitted equivalents, as are required by regulation.

**(2)** The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing trademark in violation of section 1124 of title 15 or any other applicable law, including a trademark appearing on the goods or packaging.

**(e) PRODUCTION OF INVOICE**

The Secretary may provide by regulation for the production of an invoice, parts thereof, or the electronic equivalents thereof, in such manner and form, and under such terms and conditions, as the Secretary considers necessary.

**(f) STATISTICAL ENUMERATION**

The Secretary, the Secretary of Commerce, and the United States International Trade Commission shall establish from time to time for statistical purposes an enumeration of articles in such detail as in their judgment may be necessary, comprehending all merchandise imported into the United States and

exported from the United States, and shall seek, in conjunction with statistical programs for domestic production and programs for achieving international harmonization of trade statistics, to establish the comparability thereof with such enumeration of articles. All import entries and export declarations shall include or have attached thereto an accurate statement specifying, in terms of such detailed enumeration, the kinds and quantities of all merchandise imported and exported and the value of the total quantity of each kind of article.

**(g) STATEMENT OF COST OF PRODUCTION**

Under such regulations as the Secretary may prescribe, the Customs Service may require a verified statement from the manufacturer or producer showing the cost of producing the imported merchandise, if the Customs Service considers such verification necessary for the appraisalment of such merchandise.

**(h) ADMISSIBILITY OF DATA ELECTRONICALLY TRANSMITTED**

Any entry or other information transmitted by means of an authorized electronic data interchange system shall be admissible in any and all administrative and judicial proceedings as evidence of such entry or information.

**(i) SPECIAL RULE FOR FOREIGN TRADE ZONE OPERATIONS**

**(1) IN GENERAL**

Notwithstanding any other provision of law and except as provided in paragraph (3), all merchandise (including merchandise of different classes, types, and categories), withdrawn from a [foreign trade zone](#) during any 7-day period, shall, at the option of the operator or user of the [zone](#), be the subject of a single estimated entry or release filed on or before the first day of the 7-day period in which the merchandise is to be withdrawn from the [zone](#). The estimated entry or release shall be treated as a single entry and a single release of merchandise for purposes of [section 58c\(a\)\(9\)\(A\) of this title](#) and all fee exclusions and limitations of such [section 58c of this title](#) shall apply, including the maximum and minimum fee amounts provided for under subsection (b)(8)(A)(i) of such section. The entry summary for the estimated entry or release shall cover only the merchandise actually withdrawn from the [foreign trade zone](#) during the 7-day period.

**(2) OTHER REQUIREMENTS**

The Secretary of the Treasury may require that the operator or user of the [zone](#)—

**(A)** use an electronic data interchange approved by the Customs Service—

**(i)** to file the entries described in paragraph (1); and

**(ii)** to pay the applicable duties, fees, and taxes with respect to the entries; and

**(B)** satisfy the Customs Service that accounting, transportation, and other controls over the merchandise are adequate to protect the revenue and meet the requirements of other Federal agencies.

**(3) EXCEPTION**

The provisions of paragraph (1) shall not apply to merchandise the entry of which is prohibited by law or merchandise for which the filing of an entry summary is required before the merchandise is released from customs custody.

**(4) FOREIGN TRADE ZONE; ZONE**

In this subsection, the terms “[foreign trade zone](#)” and “[zone](#)” mean a [zone](#) established pursuant to the Act of June 18, 1934, commonly known as the [Foreign Trade Zones Act \(19 U.S.C. 81a et seq.\)](#).

**(j) TREATMENT OF MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE TRANSACTION**

In the case of merchandise that is purchased and invoiced as a single entity but—

**(1)** is shipped in an unassembled or disassembled condition in separate shipments due to the size or nature of the merchandise, or

**(2)** is shipped in separate shipments due to the inability of the carrier to include all of the merchandise in a single shipment (at the instruction of the carrier),

the Customs Service may, upon application by an importer in advance, treat such separate shipments for entry purposes as a single transaction.

(June 17, 1930, ch. 497, title IV, § 484, [46 Stat. 722](#); June 25, 1938, ch. 679, § 12, [52 Stat. 1083](#); Aug. 8, 1953, ch. 397, §§ 3(b), 16(b), (c), [67 Stat. 509](#), 517; [Pub. L. 91–271, title III, § 301\(i\)](#), June 2, 1970, [84 Stat. 288](#); [Pub. L. 93–618, title VI, § 608\(a\)](#), Jan. 3, 1975, [88 Stat. 2073](#); [Pub. L. 95–106, § 4](#), Aug. 17, 1977, [91 Stat. 869](#); [Pub. L. 95–410, title I, § 102\(a\)](#), Oct. 3, 1978, [92 Stat. 888](#); [Pub. L. 97–446, title II, § 201\(d\)](#), Jan. 12, 1983, [96 Stat. 2349](#); [Pub. L. 103–182, title VI, § 637\(a\)](#), Dec. 8, 1993, [107 Stat. 2200](#); [Pub. L. 104–153, § 12](#), July 2, 1996, [110 Stat. 1389](#); [Pub. L. 104–295](#), §§ 18(b), 21(e)(6), Oct. 11, 1996, [110 Stat. 3524](#), 3531; [Pub. L. 106–200, title IV, § 410\(a\)](#), May 18, 2000, [114 Stat. 297](#); [Pub. L. 106–476, title I, § 1460\(a\)](#), Nov. 9, 2000, [114 Stat. 2171](#); [Pub. L. 108–429, title II, § 2101](#), Dec. 3, 2004, [118 Stat. 2597](#); [Pub. L. 109–280, title XIV, § 1635\(a\)](#), Aug. 17, 2006, [120 Stat. 1170](#).)

**19 U.S.C. § 1498 – Entry under regulations**

**(a) AUTHORIZED FOR CERTAIN MERCHANDISE**

The Secretary of the Treasury is authorized to prescribe rules and regulations for the declaration and entry of—

**(1)** Merchandise, when—

**(A)** the aggregate value of the shipment does not exceed an amount specified by the Secretary by regulation, but not more than ~~\$2,500~~ [\\$5,000](#); or

**(B)** different commercial facilitation and risk considerations that may vary for different classes or kinds of merchandise or different classes of transactions may dictate;

[The Secretary shall not change the amount referenced in subparagraph \(A\) to an amount lower than the amount he specified by regulation in 77 Fed. Reg. 72715 \(Dec. 6, 2012\).](#)

**(2)** Products of the United States, when the aggregate value of the shipment does not exceed such amounts as the Secretary may prescribe and the products are imported.

- (A) for the purposes of repair or alteration prior to re-exportation, or
- (B) after having been either rejected or returned by the foreign purchaser to the United States for credit;
- (3) Merchandise damaged on the voyage of importation, by fire or through marine casualty or any other cause, without fault on the part of the shipper;
- (4) Merchandise recovered from a wrecked or stranded vessel;
- (5) Household effects used abroad and personal effects, not imported in pursuance of a purchase or agreement for purchase and not intended for sale;
- (6) Articles sent by persons in foreign countries as gifts to persons in the United States;
- (7) Articles carried on the person or contained in the baggage of a person arriving in the United States;
- (8) Tools of trade of a person arriving in the United States;
- (9) Personal effects of citizens of the United States who have died in a foreign country;
- (10) Merchandise within the provisions of [sections 1465 \[1\]](#) and 1466 of this title (relating to supplies, repairs, and equipment on vessels and railway cars) at the first port of arrival;
- (11) Merchandise when in the opinion of the Secretary of the Treasury the value thereof cannot be declared; and
- (12) Merchandise within the provisions of paragraph 1631 of [section 1201 of this title](#).

(13) EXPRESS DELIVERY. — The Secretary shall recognize the express delivery process as a unique procedure for providing expedited clearance of shipments based on the longstanding success of this process and the investments the express industry has made to ensure it meets all Government requirements for data accuracy and completeness. The Secretary shall ensure relevant regulations for the express delivery clearance process that at least allows for:

\_\_\_\_\_ (A) a single submission of information, a manifest, covering all goods contained in an express shipment;

\_\_\_\_\_ (B) expedited release of these shipments based on the minimum documentation of a single submission of information; and

\_\_\_\_\_ (C) consolidated entries;

in accordance with section X of (whatever name 21CCF bill gets) [newly proposed] section 498(c) Right to Make Entry and [newly proposed] subsection of section 343 (19 USC 1415).

**(b) APPLICATION OF GENERAL PROVISIONS**

The Secretary of the Treasury is authorized to include in such rules and regulations any of the provisions of section [1484](#) or [1485](#) of this title (Notwithstanding the requirements under paragraph (c) of this section, relating, respectively, to entry and to declaration of merchandise generally).

**(c) Right to Make Entry for Informals**

(1) Under Section 321 – The regulations proscribed under this section for the entry of merchandise eligible for a duty or tax exemption under paragraph (a)(2) of Section 321 of this title, shall require that the requisite documentation or information needed for entry be filed or electronically transmitted by the owner, purchaser, express consignment carrier or operator, or a party related to the previous entities that operate under closely integrated administrative control, or, when appropriately designated by the owner, purchaser, express consignment carrier or operator, or consignee of the shipment, a customs broker licensed under 19 U.S.C. 1641.

(2) All other Shipments Under this Section - Notwithstanding paragraph (c)(1) of this section, the regulations proscribed under this section for the entry of merchandise eligible for informal entry under Section 498 of this title, shall require that the requisite documentation or information needed for entry be filed or electronically transmitted by the owner or purchaser of the merchandise, or another party as specified by the Secretary by regulation, or when appropriately designated by the owner, purchaser, or consignee of the merchandise, a customs broker licensed under 19 U.S.C. 1641

(June 17, 1930, ch. 497, title IV, § 498, [46 Stat. 728](#); Aug. 8, 1953, ch. 397, § 16(d), (e), [67 Stat. 517](#); [Pub. L. 96–609, title II, § 202](#), Dec. 28, 1980, [94 Stat. 3561](#); [Pub. L. 98–573, title II, § 206](#), Oct. 30, 1984, [98 Stat. 2975](#); [Pub. L. 100–418, title I, § 1214\(h\)\(5\)](#), Aug. 23, 1988, [102 Stat. 1157](#); [Pub. L. 103–182, title VI, § 662](#), Dec. 8, 1993, [107 Stat. 2214](#).)