

FIGHTING for America Act of 2024
Chairman Ron Wyden (D-OR)

Over the last several years, low-value, direct-to-consumer shipments from corporate giants like Shein and Temu have flooded into the United States. These small packages qualify for streamlined customs procedures under “de minimis” entry, making it difficult for border security to detect and stop packages containing fentanyl and other illicit drugs, counterfeit goods, and products made with forced labor. It’s time to tighten the rules and crack down on these low-value imports to ensure that unscrupulous foreign actors can no longer game the system and put American communities at risk.

Between 2017 and 2023, the number of low-value shipments imported into the United States quadrupled from 299 million to 1 billion—and this number continues to grow. This dramatic increase in small packages is overwhelming Customs and Border Protection (CBP), making it increasingly difficult to effectively target shipments for scrutiny and stop packages containing illicit drugs, counterfeits, and other goods that endanger American communities or violate U.S. law.

The surge in low-value shipments has been facilitated in part by a provision of U.S. law called “de minimis” entry, which allows packages valued at less than \$800 to enter the United States tariff-free and under a streamlined process. While de minimis was intended to conserve government resources and simplify customs procedures for small businesses and consumers, unscrupulous corporations like Shein and Temu have abused the system, building entire business models around their ability to flood the U.S. market with direct-to-consumer shipments that avoid both tariffs and Customs scrutiny. Moreover, the practice of shipping small packages to individual consumers has come to rely on international air courier services, making it far more carbon-intensive than the traditional model of importing goods via container ship and sending them to consumers from warehouses.

The ***Fighting Illicit Goods, Helping Trustworthy Importers, and Netting Gains (FIGHTING) for America Act*** would tighten the rules for de minimis entry and help CBP more effectively stop unlawful imports through a two-pronged approach. First, the bill would prohibit the use of de minimis to import certain types of goods, including goods that are import-sensitive or subject to additional trade remedies. This would not only level the playing field for U.S. manufacturers by ensuring that tariffs are being enforced, but would also encourage a shift back to container shipments and reduce the volume of individual packages entering under de minimis. Second, the bill would improve oversight of the de minimis entry process by requiring CBP to collect more information about commercial packages, facilitating the targeting and seizure of illicit goods, and increasing penalties for bad actors.

What the Bill Does:

- Bars certain categories of products from being imported through de minimis, including:
 - Goods designated as “import-sensitive” under the Generalized System of Preferences (e.g., textiles, apparel, and leather goods);
 - Goods subject to anti-dumping or countervailing duties (AD/CVD);
 - Goods subject to tariffs imposed pursuant to a Section 301, Section 232, or Section 201 investigation; and
 - Other types of goods that CBP has identified as experiencing a surge in de minimis imports or presenting a persistent risk of illegal importation;
- Requires CBP to collect additional data on low-value shipments to better target and interdict unlawful imports;
- Streamlines procedures for CBP to seize and dispose of unlawful goods shipped through de minimis and increases penalties for violations of de minimis rules; and
- Establishes a fee of \$2 per shipment for the use of de minimis entry procedures.