

Alert | International Trade



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CBP Proposes Changes for De Minimis Shipments

U.S. Customs and Border Protection (CBP) has announced two notices of proposed rulemaking (NPRM) that propose changes to the “de minimis” treatment for low-value merchandise. Under Section 321 of the Tariff Act of 1930, articles can be imported into the United States free of duty if the aggregate fair retail value in the country of shipment of articles imported by one person on one day does not exceed \$800. CBP’s two NPRMs propose changing the treatment for de minimis merchandise subject to trade and national security actions, as well as the information required for de minimis entries. This GT Alert outlines the NPRMs.

Changes to De Minimis Treatment for Merchandise Subject to Trade and National Security Action

On Jan. 17, 2025, CBP announced a NPRM to change the “de minimis” treatment for merchandise subject to trade or national security actions. Under the NPRM, low-value merchandise subject to specific trade and national security actions (namely Section 201, 232, or 301 tariffs) would no longer qualify for the “de minimis” exemption, meaning that importers would be required to pay both general duties and any additional Section 201, 232, or 301 duties, even when the entry value is less than \$800. Additionally, certain shipments claiming this exemption would be required to provide the 10-digit Harmonized Tariff Schedule of the United States (HTSUS) classification for the imported low-value merchandise. In the announcement, CBP said the NPRM intends to protect “intellectual property rights, consumer health and safety protections, and closes enforcement gaps while safeguarding American businesses and workers from unfair trade practices.”

Changes to Information Required for De Minimis Entries

On Jan. 13, 2025, in an earlier similar rulemaking, CBP announced proposed changes to the de minimis shipments that would require additional information when entering de minimis shipments. Currently, importers only need to provide minimal information to CBP when entering de minimis shipments, including descriptions of the merchandise, value, shipping documents, and country of origin of the merchandise. Thus, these shipments enter the United States without most data elements. CBP stated that the proposed rule “will enhance supply chain visibility and will enable CBP to better interdict illegal shipments across U.S. ports of entry.”

The proposed rule would increase data requirements for de minimis shipments and create a so-called “enhanced entry process.” Under the proposal, parties subject to the new requirements would need to provide the following information on each shipment prior to its arrival at a U.S. port of entry on the (i) contents, (ii) value, (iii) origin, and (iv) final destination of eligible shipments. Required information would include:

- the clearance tracing identification number,
- HTSUS code,
- a URL or SKU product code or other product identifying information,
- seller name and address,
- purchaser name and address, and
- marketplace name and website, among other items.

According to the Jan. 13 NPRM, these proposed changes would “allow CBP to target high-risk shipments more effectively in advance of the shipment’s arrival in the United States, including those shipments containing synthetic opioids such as illicit fentanyl.”

The comment period for the Jan. 13 NPRM closes Mar. 17, 2025. The comment period for the Jan. 17 NPRM closes Mar. 24, 2025.

Please note that on Jan. 20, 2025, President Donald Trump ordered a “regulatory freeze pending review” on all proposed or final rules not yet published in the Federal Register, and that agencies “consider” postponing the effective date of any rules already published in the Federal Register for a 60-day period beginning Jan. 20, 2025. The notice also states that during this 60-day period, agencies should consider opening a comment period on published rules not yet in effect. While the language of the executive order does not appear to affect these two NPRMs, as they have no effective date and are merely a request for public comment, it remains to be seen whether these two notices might be impacted by the president’s action.

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