

118TH CONGRESS
1ST SESSION

S. 377

To prohibit the Secretary of Homeland Security, or any other person, from requiring repayment, recoupment, or offset of certain antidumping duties and countervailing duties paid under section 754 of the Tariff Act of 1930, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mr. GRAHAM (for himself and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To prohibit the Secretary of Homeland Security, or any other person, from requiring repayment, recoupment, or offset of certain antidumping duties and countervailing duties paid under section 754 of the Tariff Act of 1930, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Domestic Reinvest-
5 ment Act of 2023”.

1 **SEC. 2. TERMINATION OF ALL EFFORTS TO CLAWBACK**
2 **PAYMENTS OF CERTAIN ANTIDUMPING DU-**
3 **TIES AND COUNTERVAILING DUTIES.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, neither the Secretary of Homeland Security
6 nor any other person may—

7 (1) require repayment of, or attempt in any
8 other way to recoup, any payment described in sub-
9 section (b); or

10 (2) offset any past, current, or future distribu-
11 tions of antidumping duties or countervailing duties
12 assessed on any imports in an attempt to recoup any
13 payment described in subsection (b).

14 (b) PAYMENTS DESCRIBED.—Payments described in
15 this subsection are payments of antidumping duties or
16 countervailing duties made pursuant to section 754 of the
17 Tariff Act of 1930 (19 U.S.C. 1675c (repealed by subtitle
18 F of title VII of the Deficit Reduction Act of 2005 (Public
19 Law 109–171; 120 Stat. 154))) that were—

20 (1) assessed and paid with respect to imports of
21 goods from any country; and

22 (2) distributed on or after January 1, 2001.

23 (c) PAYMENT OF CERTAIN FUNDS COLLECTED OR
24 WITHHELD.—Except with respect to payments described
25 in subsection (d), not later than 90 days after the date

1 of the enactment of this Act, the Secretary of Homeland
2 Security shall—

3 (1) refund any repayment or other recoupment
4 of any payment described in subsection (b) that was
5 collected by the Commissioner of U.S. Customs and
6 Border Protection after January 1, 2017; and

7 (2) fully distribute any antidumping duties or
8 countervailing duties that the Commissioner is with-
9 holding as an offset as described in subsection
10 (a)(2).

11 (d) LIMITATION.—Nothing in this section shall be
12 construed to prevent the Secretary of Homeland Security,
13 or any other person, from retaining, offsetting, requiring
14 repayment of, or attempting to otherwise recoup, any pay-
15 ment described in subsection (b) as a result of—

16 (1) a finding of false statements, other mis-
17 conduct, or insufficient verification of a certification
18 by a recipient of such a payment; or

19 (2) the issuance of a refund to an importer or
20 surety pursuant to a settlement, court order, or re-
21 liquidation of an entry with respect to which such a
22 payment was made.

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