

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1294

To amend title 11, United States Code, to establish a priority for the payment of claims for duties paid to the United States by licensed customs brokers and sureties on behalf of a debtor.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2005

Mr. BROWN of South Carolina introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 11, United States Code, to establish a priority for the payment of claims for duties paid to the United States by licensed customs brokers and sureties on behalf of a debtor.

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 “Customs Business  
5       Fairness Act of 2005”.

6       **SEC. 2. AMENDMENT.**

7       Section 507(a) of title 11, United States Code, is  
8       amended by adding at the end the following:

1           “(10) Tenth, allowed unsecured claims of cus-  
2           toms brokers (as defined in section 641 of the Tariff  
3           Act of 1930) and sureties (as provided in section  
4           623 of the Tariff Act of 1930) for duties, taxes, or  
5           other charges paid to the Bureau of Customs and  
6           Border Protection of the Department of Homeland  
7           Security on behalf of the debtor arising out of the  
8           importation of merchandise entered for consumption  
9           within one year before the date of the filing of the  
10          petition.”.

11 **SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENT.**

12          (a) EFFECTIVE DATE.—Except as provided in sub-  
13          section (b), this Act and the amendment made by this Act  
14          shall take effect on the date of the enactment of this Act.

15          (b) APPLICATION OF AMENDMENT.—The amendment  
16          made by this Act shall apply only with respect to cases  
17          commenced under title 11, United States Code, on or after  
18          the date of the enactment of this Act.

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