



# Regulatory News Alerts & Updates

## Regulatory Alert: De Minimis Imports into the USA 2024

June 25, 2024

### What is Section 321?

Section 321 is a term often used to reference the regulatory provisions for the U.S. de minimis found in 19 U.S.C. § 1321. This statute provides for the duty and tax free entry of articles valued at \$800 or less that are imported by one person on one day. The U.S. Customs and Border Protection (CBP) regulations that apply to de minimis can be found in 19 CFR 10.151.

### Who can use Section 321?

The provisions for Section 321 clearance are available for U.S. inbound shipments from around the world, and exclusions to the use of Section 321 are primarily value-based and/or commodity-based. Under Section 321, one person may import multiple shipments on one day so long as the aggregate fair market value of the shipments does not exceed \$800. If any shipment imported on a given day causes the aggregate value of goods imported to exceed the \$800 threshold for that person, then an informal or formal customs entry, inclusive of duties taxes and fees, for all the shipments would be required.

There are also certain commodities which do not qualify for Section 321 clearance:

- Cigars (including cheroots and cigarillos) and cigarettes containing tobacco, cigarette tubes, cigarette papers, smoking tobacco (including water pipe tobacco, pipe tobacco, and roll-your-own tobacco), snuff, or chewing tobacco (these products are also prohibited from FedEx services)
- Merchandise subject to antidumping and countervailing duties
- Merchandise of a class or kind provided for in any absolute or tariff rate quota, whether the quota is open or closed
- Products that have a tax imposed under the Internal Revenue Code that is collected by other agencies
- Certain U.S. Department of Agriculture (USDA) regulated goods
- Alcoholic beverages

## **The importance of precise descriptions**

Descriptions such as “gifts,” “parts,” “accessories” or “personal use” do not provide the required clarity for customs brokers to submit a customs entry or for CBP to review. These types of descriptions will result in unnecessary delays while clarifying details are requested. Strong descriptions accurately describe what the goods are made of and their intended use. Examples include “children’s toys made of plastic” and “women’s dresses made of 60% cotton 40% polyester”.

Vague or incomplete descriptions on the commercial invoice are a primary reason for international shipment delays across the globe. The final link in the References section below provides over 100 comparisons of poor descriptions and strong descriptions.

## **References**

CBP E-commerce FAQs:

<https://www.cbp.gov/trade/basic-import-export/e-commerce/faqs>

CBP De Minimis Regulations 19 CFR 10.151:

<https://www.ecfr.gov/current/title-19/section-10.151>

CBP CSMS Message #60011750 Importance of Precise Descriptions:

[https://content.govdelivery.com/bulletins/gd/USDHSCBP-393b4e6?wgt\\_ref=USDHSCBP\\_WIDGET\\_2](https://content.govdelivery.com/bulletins/gd/USDHSCBP-393b4e6?wgt_ref=USDHSCBP_WIDGET_2)

U.S. Customs and Border Protection (CBP) Precise Description Examples:

<https://www.cbp.gov/trade/basic-import-export/e-commerce>

Keep up with the latest alerts, trade-related rules, updates and learning opportunities. Sign up to receive Regulatory News emails from FedEx.

[https://page.message.fedex.com/regnews\\_signup/](https://page.message.fedex.com/regnews_signup/)