

BRIEFINGS

1999 HTSUS

- The International Trade Commission has placed the 1999 Harmonized Tariff Schedule of the United States (HTSUS) on its website. It may be viewed and downloaded. Hard copies of the HTSUS are expected to be mailed shortly. www.usitc.gov/taffairs.htm.
- New statistical breakouts for the 1999 HTSUS cover diverse items and should be carefully reviewed. [CEBB T-HTS52.TXT](#) (Nov. 19, 1998).

RLF

Customs has extended the Remote Location Filing Prototype Two from January 1, 1999 to December 31, 1999. Customs has also modified applications, misconduct, and eligibility criteria to the prototype. Present participants do not have to reapply. Comments are due January 6, 1999. [63 Fed. Reg. 67511 \(Dec. 7, 1998\)](#).

FDA IMPORT-FOR-EXPORT

The FDA issued a proposed rule in order to establish reporting, labeling, and recordkeeping requirements for all imported articles under the "import-for-export" provision of the 1996 FDA Export Reform and Enhancement Act. There are many detailed requirements to be carefully considered. Comments on information collection requirements are due Dec. 24, 1998; comments on all other matters are due Feb. 8, 1999. [63 Fed. Reg. 64930 \(Nov. 14, 1998\)](#).

SEASONS GREETINGS
BEST WISHES FOR A HAPPY
AND HEALTHY NEW YEAR

WEB SITE

Clients are reminded that new trade developments are posted to our web site daily under "[What is New](#)" with a direct link to the source document.

HMT UPDATE

- *BMW Manufacturing Corp. v. U.S.*, challenges the constitutionality of the HMT as it applies to admissions into foreign-trade zones. It is proceeding on the expedited docket schedule set by the CIT. For more information on the case, please contact the firm.
- Customs has issued a memo to Port Directors telling them to deny all protests filed against the assessment of the HMT on imports.
- The Clinton Administration has decided not to send its proposed "Harbor Services User Fee" (HSUF), to Congress until February, 1999. Organizations representing ports, shipping lines, and exporters have mobilized in opposition.

PIRP/CAP

Customs has revised the Pre-Importation Review Program (PIRP), which will be called the Classification Assistance Program (CAP). PIRP operating procedures will remain in place until CAP is implemented in early 1999. [CEBB T-PIRP3.EXE](#) (Nov. 23, 1998).

BLANKET ID/TARIFF REDUX

Customs has again provided a Tariff reduction Christmas present. It published an Electronic Bulletin board notice issuing blanket authorization for Immediate Delivery (ID) procedures for merchandise released between Dec. 17-31, 1998. This allows the use of the 1999 entry/entry summary date as the time of entry in order to take advantage of any 1999 lower duty rates or special programs. Absolute quota merchandise and I.T.'s are excluded. [CEBB T-YREND3.TXT](#) (Dec. 11, 1998).

DRAWBACK

Customs has published a General Notice on drawback selectivity implementation. Most importantly, effective Nov. 25, 1998, any person who files a false drawback claim will become potentially liable for a monetary penalty under 19 USC 1593a. T.D. 98-88 (Nov. 25, 1998). [63 Fed. Reg. 67722 \(Dec. 8, 1998\)](#).

RECONCILIATION PROTOTYPE

The new reconciliation program is a requirement for certain importers effective Oct. 1. Testing and implementation of the reconciliation summary processing program ("RA" application) in ACS, which has been delayed, will not affect the Reconciliation Prototype, which started on October 1. Testing the process of filing the '09' reconciliation entry should be available this month. [CEBB T-RECON4.TXT](#) (Nov. 10, 1998).

GSP REFUND INSTRUCTIONS

Customs began processing refunds on all duties paid with interest on Generalized System of Preferences (GSP) merchandise entered between July 1, 1998, and Oct. 20, 1998. Customs will accept claims through June 30, 1999. [63 Fed. Reg. 67169 \(Dec. 4, 1998\)](#).

TABLEWARE/KITCHENWARE

Customs released an advanced level publication entitled "The Importation of Tableware, Kitchenware, Other Household Articles, and Toilet Articles of Plastics." [CEBB PLASTIC2.EXE \(Nov. 16, 1998\)](#).

SEIZED ASSETS

Customs has proposed a new system of records which would provide Customs and the Treasury Forfeiture Fund with a comprehensive system for seized and forfeited property, penalties, and liquidated damages. The new system of records will be effective on Jan. 11, 1999 unless comments are received which result in a contrary determination. [63 Fed. Reg. 66232 \(Dec. 1, 1998\)](#).

BROKER ERROR

Customs has proposed guidelines that would make negligent and grossly negligent broker violations of Section 592 under the Brokers Statute (19 USC § 1641) and subject to penalties of up to \$30,000 for each violation. There is no guidance on when and how Customs should initiate such claims. [63 Fed. Reg. 57628 \(Oct. 28, 1998\)](#).

DISKETTE RULING SERVICE

Customs is discontinuing its Diskette Ruling Service. It will continue to make rulings available via the Internet on its website. [customs.ustreas.gov](#).

BROKERS EXAM

The October 1998 Broker Exam and Answer Sheet have been posted to the Customs web site. Approximately 9.8% of those sitting for the October test received a passing score. It can be accessed through the firm website at "[What's New](#)."

COUNTERVAILING DUTY

The Commerce Department's International Trade Administration has issued final regulations, effective December 28, 1998, that implement the subsidy provisions of the Uruguay Round Agreements. [63 Fed. Reg. 65347 \(Nov. 25, 1998\)](#).

APEC

The Report entitled *A blueprint for APEC customs Modernization: Working with Business for a Faster, Better Border* contains 12 reform initiatives for which APEC countries have developed multi-year frameworks to achieve. The report is available on the [APEC website](#) directly linked from our web site.

INDIA/PAKISTAN SANCTIONS

Because of India and Pakistan's detonation of nuclear devices, the Bureau of Export Administration has issued an interim rule on sanctions against the two countries. Comments are due Jan. 19, 1999. [63 Fed. Reg. 64342 \(Nov. 19, 1998\)](#).

ITDS

A draft report has been developed by Customs recommending the design and implementation of the International Trade Data System (ITDS). ITDS is an information technology tool that will be the starting point for submitting automated information, and disseminating information to other federal agencies. 32 Cust. B. & Dec. 41 (Oct. 14, 1998).

NEW PORTS PROGRAM

Customs began testing a new program called "Tariffs Specialization by Port" (TSP) that places import specialists at certain ports in charge of specific commodities for their own port, as well as one or more other assigned ports. The objective of the program is to increase import specialist expertise and thereby provide the importing public with greater uniformity in Customs decisions. [CEBB T-TBT97.TXT \(Nov. 10, 1998\)](#).

FDA EXPORTS

After January 1, 1999, the FDA will issue export certificates with a new format that uses security measures in the paper itself to deter falsification or tampering. [63 Fed. Reg. 68744 \(Dec. 14, 1998\)](#).

CUSTOMS FORMS

Customs has made 32 forms available on its internet site, including CF-214s, CF-216s, and CF-7512s. The forms may be viewed, downloaded, and printed. [www.customs.ustreas.gov/travel/forms.htm](#).

AD/CVD

With the Asian economic crises continuing, the antidumping/countervailing duty filings in Washington have increased materially. The CEBB contains AD/CVD instructions that can be searched by commodity description. [www.cebb.customs.treas.gov/public/default.htm](#)

FOREIGN-TRADE ZONES BOARD ACTIVITY AS OF 12/15/98		
	APPROVED	PENDING
ZONES	228	5
SUBZONES	402	24
MISCELLANEOUS		34
AVERAGE PROCESSING TIME (MONTHS)		
ZONE	14	
SUBZONES	10	