DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
WASHINGTON, D.C.

JUL 3 1996

FO:TC:S:F CH

The Honorable John F. Kerry
United States Senator
One Bowdoin Square
Boston, Massachusetts 02114

Dear Senator Kerry:

b(6)

This is in reply to your letter of June 3, 1996, on behalf of your constituent, [redacted], concerning the seizure of [redacted] automobile.

According to information available to the Customs Service, [redacted] vehicle was seized by the Immigration and Naturalization Service (INS). We are, therefore, forwarding your letter to the Immigration and Naturalization Service, Office of the Executive Secretariat, 425 I Street, N.W., Room 7113, Washington, D.C. 20536. The INS will respond directly to you.

Sincerely,

Samuel H. Banks
Assistant Commissioner
Office of Field Operations

Equal Opportunity Employer

JOHN F. KERRY
MASSACHUSETTS

42031

United States Senate

WASHINGTON, DC 20510-2102

One Bowdoin Square
Tenth Floor
Boston, MA 02114-2910
(617) 565-8519
August 13, 1993

William G. Lawrence, Director
Office of Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
Room 2109
1301 Constitution Avenue, N.W.
Washington, D.C. 20229

RE: City of Salem, Massachusetts
Police Department Headquarters
Salem, MA 01970

Dear Mr. Lawrence:

I am forwarding you a letter from [redacted], Chief of Police, Salem, MA, regarding [redacted] problem with your agency. 1646)

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested.

I would appreciate your looking into this matter and sending me a copy of your findings and views, in duplicate form, to the attention of my assistant, Jim Shaer, in care of my Boston office.

Thank you for your cooperation in this matter.

Sincerely,

John F. Kerry
United States Senator

JFK:js
Enclosure

PRINTED ON RECYCLED PAPER

CH 226910

DEPARTMENT OF THE TREASURY
U S CUSTOMS SERVICE
WASHINGTON, D C

MAR 28 1996

FO TC:S F POB

The Honorable John F. Kerry
United States Senator
One Bowdoin Square
Boston, Massachusetts 02114

All
b(6)

Dear Senator Kerry:

This is in response to your letter of March 13, 1996, to [redacted], former Director for the Office of Congressional Affairs, United States Customs Service. Your constituent, [redacted], Chief of Police, Salem, Massachusetts, alleges that he has a problem with Customs, regarding his request for a seized and forfeited vessel. You ask that we investigate this matter and forward our findings and views, in duplicate, to you.

Customs policy on transfer of forfeited assets is mandated by statute. Currently, the only authority the Customs Service has for transferring forfeited property is stated in section 1616a, Title 19, United States Code. This section authorizes Customs to transfer forfeited property to state or local law enforcement agencies that participated directly or indirectly in the seizure or forfeiture of that property. Absent such participation, there is no provision for transferring forfeited assets to such state or local agency.

In correspondence dated March 15, 1996, (copy enclosed) we provided your constituent with the address to the Executive Office for Asset Forfeiture. This office is responsible for the Department of Treasury's program, "Guide to Equitable sharing for foreign Countries and Federal, State, Local Law Enforcement Agencies." Chief [redacted] organization may be eligible to participate in [redacted]

Equal Opportunity Employer

We greatly appreciate the efforts made by the Salem Habormaster in conjunction with the police department, and its efforts in the war on drugs. We regret that, due to the statutory limitation noted above, we are unable to provide a vessel to assist in these efforts.

If we can be of further assistance to you or the Salem Harbormaster Department, please contact [redacted], Seizures and Penalties Program at (202) 927-0410. b(6)

Sincerely,

Arlene K. Lombardi

for Samuel H. Banks
Assistant Commissioner
Office of Field Operations

Enclosure

OHN KERRY
MASSACHUSETTS

OFO
cc CPA

United States Senate

WASHINGTON DC 20510

K208 C1

One Bowdoin Square
Tenth Floor
Boston, MA 02114-2919
(617) 565-8519
January 11, 1996

William G. Lawrence
Director, Office of Congressional Affairs
U.S. Customs Service
Room 2109
1301 Constitution Avenue, N.W.
Washington, DC 20229

RE: [redacted], President
Apple Medical Corporation
580 Main Street
Bolton, MA 01740

b(6)

Dear Mr. Lawrence:

I am forwarding to you a letter from [redacted] of Bolton, MA, concerning his problem with your agency.

b(6)

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested.

I would appreciate your looking into this matter and sending me a copy of your findings and views, in duplicate form, to the attention of my assistant, Jim Shaer, in care of my Boston, Massachusetts office.

I would also appreciate your office confirming receipt of the enclosed to Jim at the above listed telephone number.

Thank you for your cooperation in this matter.

Sincerely,

John F. Kerry
United States Senator

JFK js
Enclosure

DEPARTMENT OF THE TREASURY
U.S CUSTOMS SERVICE

JAN 29 1996

BAG-2-01-FO:P BH

The Honorable John F. Kerry
United States Senator
One Bowdoin Square
Boston, Massachusetts 02114

Dear Senator Kerry:

Thank you for your January 11, 1996, letter enclosing correspondence from [redacted] concerning [redacted] recent Customs inspection at Dulles International Airport.

We regret the unpleasantness and inconvenience experienced by [redacted] on that occasion. All persons, unless exempt by diplomatic status, entering the United States are subject to as thorough an inspection as is warranted to ensure that the Customs and related laws are not being violated.

Whether a Customs inspection is brief or thorough, we insist that it be conducted with courtesy and tact. When we can substantiate that one of our employees has failed to maintain Customs strict professional standards, we take firm corrective action. [redacted], however, does not describe the Customs officers as being rude or unprofessional. Rather, [redacted] complaint is that [redacted] should not have undergone a thorough baggage examination based upon [redacted] position as a respected member of the business community.

It should be pointed out that Customs officers use many tested enforcement criteria to determine whether a traveler warrants a thorough inspection. These include the traveler's itinerary, his written and oral declarations, and any markedly evasive or nervous behavior in responding to routine Customs questions.

Customs officers also occasionally use a random system of selecting travelers for more than routine Customs scrutiny. The random system, by which [redacted] was selected for inspection, is utilized for two basic reasons. First, there simply is no foolproof profile of violators of the law. By randomly targeting a few travelers for thorough inspections, we make many seizures of prohibited, restricted, or undeclared merchandise that may have been missed by our use of the usual enforcement criteria. The second advantage of an occasional random examination is that it enables us to determine the effectiveness of our enforcement-criteria generated examinations. We are able to compare the results of those examinations vis-a-vis random searches.

All 6(6)

[redacted] remarks that the Customs officer should not have asked [redacted] how much money he was carrying since he already had indicated on his written declaration that he was carrying less than $10,000 (amounts in excess of $10,000 must be reported to Customs). However, we often make seizures of undeclared currency from travelers who, as in [redacted] case, indicate in writing that they are carrying less than that amount. In replying orally to the currency question, many travelers provide clues, often through body language, that their written declarations were false.

We contacted our Dulles office and were advised that Customs Dulles Passenger Service Representative, [redacted], had telephoned [redacted] regarding [redacted] complaint since [redacted] also wrote to that office. Unfortunately, [redacted] apparently was unable to resolve [redacted] concerns about having been requested to undergo a Customs baggage examination.

Respected members of the business community generally are not considered as high-risk suspects for violations of the law. Nevertheless, they certainly are not immune from the possibility of such violations. Were the Customs Service automatically to exempt business leaders from thorough inspections, we would seriously compromise our important enforcement responsibilities.

We regret [redacted] continued dissatisfaction with his Customs treatment. [redacted] letter has, however, served to remind our Dulles staff that international travelers are valued customers without whose support our effectiveness as an enforcement agency would be significantly diminished. We appreciate the opportunity to address [redacted] concerns, and we hope that [redacted] future contacts with the Customs Service are much more to [redacted] satisfaction.

Please let us know if we can be of further assistance.

Sincerely,

for John Simpkins
Samuel H. Banks
Assistant Commissioner
Office of Field Operations

Enclosure

JOHN KERRY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
Tenth Floor
Boston, MA 02114
(617) 565-8519

November 13, 1995

Ms. Gloria Bryant
Congressional & Public Affairs
U.S. Customs Service
1301 Constitution Avenue
Washington, D.C. 20229

Dear Ms. Bryant:

I am forwarding to you a copy of a letter from [redacted] concerning a shipment impounded by Customs. (6)(6)

It is the desire of this office to be responsive to all inquiries and communications. I respectfully ask for your assistance in resolving the issues outlined in this correspondence.

Please forward a copy of your findings to Mark S. Sternman of my Boston office.

I thank you for your cooperation in this matter.

Sincerely,

John F. Kerry
United States Senator

JFK/mss

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE
WASHINGTON, DC

DEC 6 1995

FO:TC:S:F PR

The Honorable John Kerry
United States Senator
One Bowdoin Square
Boston, Massachusetts 02114

Dear Senator Kerry:

All 6(6)

Thank you for your letter of November 13, 1995, enclosing correspondence from you constituent, [redacted] concerning the delay in Customs clearing [redacted] shipment of computer equipment because of a paperwork problem.

This matter is currently under review by our Cargo Control office. You will be provided with a full response as soon as that office completes its review. In the interim, if you have any additional questions or need further assistance, please contact [redacted], Cargo Control, at (202) 927-0042.

We appreciate your concern in this matter.

Sincerely,

Thomas P. Banks
for Samuel H. Banks
Assistant Commissioner
Office of Field Operations

DEPARTMENT OF THE TREASURY

U S CUSTOMS SERVICE

DEC 28 1995 FO:TC:C:C LS

The Honorable John Kerry
United States Senator
One Bowdoin Square
Boston, Massachusetts 02114

Dear Senator Kerry:

As promised in my correspondence of December 6, 1995, this is a full response to a letter you received from your constituent [redacted]. [redacted] had voiced concerns over the actions taken by the U.S. Customs Service at the Lewiston Bridge near Buffalo, New York, regarding a shipment for Cadence Design Systems, Inc. 4(6)

After conferring directly with field managers in Buffalo, I am pleased to advise you that the shipment which re-entered the United States on November 9, 1995, was finally released on November 16, 1995. However, it was not a Customs decision to detain the merchandise. The delay centered around the U.S. Customs broker (an agent employed by the importer) not having the proper paperwork necessary to make entry. The manager of the brokerage firm decided to hold on to the merchandise because of questionable country of origin of the computers, high value, and Food and Drug Administration requirements (paperwork) for the monitors.

To ensure that future shipments are not delayed, it is recommended that prior to exiting the United States for Canada, the Cadence representatives stop at U.S. Customs and register the merchandise on Customs Form 4455. It is also recommended that the company make prior arrangements with their selected U.S. Customs broker prior to exporting similar equipment to Canada for demonstration purposes. This will ensure that the proper paperwork is presented at the time of re-entry into the United States.

Thank you for bringing this matter to my attention. I hope that this response adequately addresses the issue raised by your constituent. Do not hesitate to contact me if I may be of further assistance.

Sincerely,

Thomas P. Bauer

for Samuel H. Banks
Assistant Commissioner
Office of Field Operations

cc: Port Director
Buffalo, New York

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
Tenth Floor
Boston, MA 02114
(617) 565-8519

October 11, 1995

Ms. Gloria Bryant
Congressional & Public Affairs
U.S. Customs Service
1301 Constitution Avenue
Washington, D.C. 20229

Dear Ms. Bryant:

I am forwarding to you a copy of a letter from [redacted] concerning customs service case #851-3622506-1/3381806-0/3640997.

6(6)

It is the desire of this office to be responsive to all inquiries and communications. I respectfully ask for your assistance in resolving the issues outlined in this correspondence.

Please forward a copy of your findings to Mark S. Sternman of my Boston office.

I thank you for your cooperation in this matter.

Sincerely,

John F. Kerry
United States Senator

JFK/mss

DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE

OCT 23 1995 CLA-2 R:C:M
958557 MMC

The Honorable John F. Kerry
United States Senate
Washington D.C. 20515

Dear Senator Kerry:

This is in response to your letter of October 11, 1995, enclosing a copy of a letter dated October 10, 1995, from your constituent, [redacted], president and owner of Chelsea Bottle Company, concerning the tariff classification of certain glass articles under the Harmonized Tariff Schedule of the United States. 6(6)

As a member of my staff advised Mark Sternman of your Boston office, to address the concerns of your constituent, we need additional information from [redacted] concerning what he imported and the ports of entry involved. Once we have received and reviewed the information, we will obtain a report from the port and forward a response to you as quickly as possible. 6(6)

Thank you for your interest in this matter. If you have any additional questions or concerns, please feel free to contact us.

Sincerely,

Robert B. Seidel
Assistant Commissioner
Office of Regulations and Rulings

cc: Mark S. Sternman
One Boudoin Square
Tenth Floor
Boston, MA 02114

DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE

NOV 27 1995

HR:TC:MM
958557 MMC

The Honorable John F. Kerry
One Bowdoin Square
Boston, Massachusetts 02114

Dear Senator Kerry:

This is in further reference to youn letter of October 11, 1995, enclosing a copy of a letter dated October 10, 1995, from your constituent, [redacted], of Chelsea Bottle Company, concerning the tariff classification of certain glass articles under the Harmonized Tariff Schedule of the United States (HTSUS). 6(b)

As stated in our letter to you on October 23, 1995, to address the concerns of your constituent, we requested information concerning this matter from the Highgate Springs/St. Albans, Vermont, Customs office. The port director has informed us that upon receiving the questioned entries, his Commodity Specialist Team requested samples by name (Paola, Cubica, Siphon, and Ballon). Upon receipt of the samples, classification advice was requested from the Customs National Commodity Specialist (NCS) for glassware in New York.

The NCS determined that the issue was whether the subject glassware, which is imported empty and sold to others for use, is classifiable under heading 7010, HTSUS, which provides for glassware of a kind principally used for the conveyance or packing of goods, or under heading 7013, HTSUS, which provides for glassware of a kind used for table, kitchen, toilet, office or indoor decoration, or similar purposes. For a glass container to be classifiable under heading 7010, it must be part of the exchange of buying and selling of commodities and it must be used to convey a product to a consumer who uses the product and then discards the container.

The NCS informed the port that while this particular importer sells these articles to a packer of maple syrup in the U.S., this type of glassware as a whole is principally used for table, kitchen, or home use.

While the glass jars may have been designed to attract the attention of the consumer to the maple syrup, that is not the principal function of this jar. The glass lids, rubber gaskets, and wire bale indicate that these jars are designed for extended use. They are of a kind that the consumer can reuse in the home. As stated in the June 1993 article from Packaging Digest, furnished by [redacted] "...he calls them 'reusable' glass because they're very similar to what many people buy empty for decorative purposes. That's why he's confident these bottles are rarely discarded after the contents have been consumed..." Because this type of glassware is principally used for table, kitchen or home use, it was classified under heading 7013.

We have throughly reviewed this matter and agree with the conclusions of the local Customs officials in Highgate Springs/St. Albans and the NCS in New York. The Customs Service has consistently classified such glassware in heading 7013.

Thank you for your interest in this matter. If you have any additional questions or concerns, please feel free to contact us.

Sincerely,

Stuart P. Seidel

Stuart P. Seidel
Assistant Commissioner
Office of Regulations and Rulings