DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE

OCT 5 1995

CLA-2 CO:R:C:T
938476 CMR

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

All 6(6)

Dear Senator Kerry:

Thank you for your correspondence of September 26, 1995, on behalf of [redacted], concerning the tariff classification and duty rate of wool gaberdine ski pants.

We regret we cannot offer assistance to [redacted] to recover the Customs duties which [redacted] paid on wool ski pants imported during the period following the inception of the Harmonized Tariff Schedule of the United States through 1994. The duties charged were correctly assessed in accordance with the provisions of the tariff schedule. As you are aware, while the Customs Service administers the tariff, we have no authority to refund duties in cases such as this where an amendment to the tariff schedule results in a change in the dutiable status of imported merchandise.

In our phone conversation with Mark Sternman of your staff, we advised him that legislative action provides the only possible means of providing the financial relief which [redacted] seeks.

We appreciate your interest in this matter. Please do not hesitate to contact us if you have any further questions.

Sincerely,

Stuart P. Seidel
Assistant Commissioner
Office of Regulations & Rulings

JOHN KERRY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
Tenth Floor
Boston, MA 02114-2919
(617) 565-8519
August 24, 1995

Mr. William G. Lawrence, Director
Office of Congressionsal Affairs
U.S. Customs Service
U.S. Department of the Treasury
Room 2109 1301 Constitution Ave. N.W.
Washington, DC 20229

RE: [redacted]
[redacted]
La Jolla, CA 92037
Customs Case No. ~~94-0417-00312~~

b(6)
b(2)

Dear Mr. Lawrence:

I am forwarding to you a letter from [redacted] regarding [redacted] of La Jolla, California regarding [redacted] case with your agency.

b(6)

Because of my desire to be responsive to all inquiries and communications, your consideration of hte attached is requested.

I would appreciate your looking into this matter and sending me a copy of your findigns and views 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:cg
Enclosure

K203C1

OFO
cc CPA

JOHN KERRY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
Tenth Floor
Boston, MA 02114-2919
(617) 565-8519
September 7, 1995

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

RE: [redacted]

b(6)

La Jolla, CA 92037
CUSTOMS CASE NO. 94-0417-00312

Dear Mr. Lawrence:

On August 24, 1995 I forwarded to your office a letter from [redacted] of Needham, Massachusetts concerning [redacted] customs case.

b(6)

I would appreciate your sending a status report on this matter at your earliest convenience. Please refer your reply to the attention of my assistant, Jim Shaer, in my Boston office.

Thank you for your cooperation.

Sincerely,

John F. Kerry
United States Senator

JFK:js
Enclosure

DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE

OCT 4 1995 FO:TC:S:A KMY

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

Dear Senator Kerry:

All b(6)

This is in response to your inquiry dated September 7, 1995, concerning your constituent, [redacted] regarding the seizure of two Iranian carpets in Boston.

We have been in contact with [redacted] of our Boston office and were informed that this case is currently being looked into. [redacted] will be responded to as quickly as possible.

Should you have further questions regarding this matter, please feel free to contact [redacted], FP&F Specialist, Seizures & Penalties at (202) 927-0783.

Sincerely,

Anne K. Lombardi
for Samuel H. Banks
Assistant Commissioner
Office of Field Operations

K201 B1 OFO
cc-CPA

JOHN KERRY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
Tenth Floor
Boston, MA 02114-2919
(617) 565-8519
July 27, 1995

Mr. 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, DC 020229

RE: [redacted] b(6)

Marblehead, MA 01945

Dear Mr. Lawrence:

I am forwarding you a letter from [redacted] of Marblehead, Massachusetts regarding [redacted] concerns 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 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:jp
Enclosure

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

AUG 7 1995

MAI-Q1-FO:TC:C:E DN

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

Dear Senator Kerry:

All b(6)

Thank you for your July 27, 1995, letter concerning an international mail shipment received by your constituent, [redacted]. I regret any inconvenience [redacted] may have experienced during this international transaction.

[redacted] raises several critical issues. I want to carefully and thoroughly address each of those concerns. In enforcing numerous state, local and federal laws and regulations, the United States Customs Service may inspect any and all international merchandise arriving in the United States. Customs selectively inspects shipments to determine content, value, admissibility and revenue due. Under specific and strict conditions, Customs may also inspect first class mail. Before doing so, however, a United States Postal Service (USPS) officer must be present, and no officer (neither Customs nor USPS) may read any written material in the inspected letter.

Each parcel or letter opened is customarily repacked and resealed thoroughly with a pre-printed adhesive tape identifying the Customs Service. Only with rare exception (i.e., short-term lack of supplies) would we resort to repackaging with clear adhesive tape.

Many international parcels are presented to Customs for review prior to domestic delivery by the USPS. Most are released immediately. After a brief review, those shipments which are to be released immediately are stamped with the red "Passed Free" stamp noted by [redacted]. Upon receiving that red stamp, Customs will not have any occasion or need to inspect that parcel. At that point, the shipment is released to the USPS for domestic delivery.

Based on [redacted] description and the procedural facts of Customs operations, I expect that [redacted] shipment was opened at some point after release from Customs and prior to USPS delivery to her. By whom and for what purpose, I cannot speculate. If [redacted] were interested in pursuing this

AOP
b(6)

matter, I would suggest that [redacted] contact the U.S. Postal Inspection Service, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260. The Postal Inspection Service may be able to develop information related to [redacted] shipment.

I thank you for your interest in Customs matters and regret [redacted] inconvenience. I hope that [redacted] arriving goods will be located and returned promptly.

Sincerely,

Philip Metzger

for Samuel H. Banks
Assistant Commissioner
Office of Field Operations

K198 E/OFO & CPA

JOHN KERRY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
Tenth Floor
Boston, MA 02114-2919
(617) 565-8519
May 22, 1995

Mr. 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. 20220

RE: ANAGADA Group Ltd.
C/O G. [redacted]
1500 Main Street Suite 2012
Springfield, MA 01060

b(6)

Dear Mr. Lawrence:

I am forwarding you a letter from [redacted], Treasurer of ANAGADA Group, Inc. of Springfield, Massachusetts regarding [redacted] concerns with the U.S. Customs Service.

b(6)

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

I would appreciate you looking into this matter and sending me a copy of your findings and views, 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

DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE

JUN 16 1995

FO:TC:S:F CH

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

Dear Senator Kerry:

This is in response to your letter dated May 22, 1995, on behalf of your constituent, [redacted], requesting assistance in recovering money that was seized by Customs officers in Memphis, Tennessee.

b(6)

Since this seizure was made at the Port of Memphis, we are forwarding your letter to our district office for reply, via our New Orleans District Office. That office will respond directly to you. We have contacted Ms. Gretchin Greislier of your Boston office to advise her of the foregoing. If you would like to contact the district office with additional questions, the address is: District Director, U.S. Customs Service, 423 Canal Street, Room 246, New Orleans, Louisiana 70130, telephone: (504) 589-2809.

Sincerely,

Anne K. Lombard
for Samuel H. Banks
Assistant Commissioner
Office of Field Operations

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

NEW ORLEANS, LA

June 29, 1995

INV-04-02-NO:FPF PLP
Seizure 952095-00078-01

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

Dear Senator Kerry:

All 6(6)

This is in response to the inquiry which you made on behalf of your constituent, [redacted] regarding the seizure of a bearer-negotiable check in the amount of $22,400.00. On June 15, 1995, the Fines, Penalties, and Forfeitures Office in New Orleans, Louisiana, issued a decision in this case in which we agreed to remit the forfeiture of the seized check upon payment of a mitigated forfeiture in the amount of $1,792.00 (eight percent of the value of the seized check) and our receipt of an executed Hold Harmless Release Agreement. A copy of that decision is enclosed.

[redacted] accepted that decision. As we indicated in the decision letter, the seized check was deposited in a Treasury suspense account pending resolution of this matter. Therefore, upon our receipt of the signed agreement, we instructed our National Finance Center to issue a refund in the amount of $20,608.00. That refund has been processed and is scheduled to be mailed the week of July 10, 1995.

The Fines, Penalties, and Forfeitures Office in New Orleans has taken every effort to expedite this matter. The seizure notice and decision letters were faxed to [redacted] [redacted] office at [redacted] request. We accepted faxed copies in return of [redacted] petition and executed Hold Harmless Release Agreement on [redacted] promise to forward the originals for our files. Our Office of Investigations also conducted their investigation into the legitimacy of these funds in a timely manner.

If you have any questions or require further assistance in this matter, please do not hesitate to telephone me at (504) 589-6329.

Sincerely,

Leslie Dillmann

Leslie Dillmann
Fines, Penalties, and Forfeitures Officer

Enclosure

REPLY TO: DISTRICT DIRECTOR OF CUSTOMS, NEW ORLEANS, LA 70130

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

NEW ORLEANS, LA

June 15, 1995

INV-04-02-V:NO:FPF PLP
Seizure number 952095-00078-01

[redacted] b(6)

Anagada Group Ltd.
1500 Main Street, Suite 2012
Springfield, MA 01060

Dear [redacted]: (b)(6)

This is in response to the petition for relief from forfeiture which you submitted in which you requested relief from the forfeiture of a negotiable check in the amount of $22,400.00, which was seized by U. S. Customs Service officers at the Federal Express facility at Memphis, Tennessee, on April 13, 1995. The check was seized under the authority of Title 31, United States Code, Section 5317 for violation of Title 31, United States Code, Section 5316 in that an attempt was made to export the monetary instrument to the Cayman Islands without filing a Currency Reporting Act form.

In your petition, you stated that the check represented a loan made by [redacted] b to [redacted] to Anagada Group, a new marine management and yacht chartering company. As treasurer of this company, you attempted to deposit this check into the company's account with Barclays Bank in Grand Cayman. Because you have established a legitimate source and intended use for the funds and because you have cooperated fully in our investigation into this matter, it is our decision to remit the forfeiture of the check upon payment of an amount equal to eight percent of the value of the currency, or $1,792.00 and our receipt of an executed hold harmless agreement (enclosed).

The seized check has been deposited into the Treasury suspense account pending resolution of this matter. Therefore, upon our receipt of the executed agreement, we will issue a refund in the amount of $20,608.00. We have enclosed a copy of the reporting requirements for the importation and exportation of monetary instruments. Please be aware that any future violations of the reporting requirements will result in the forfeiture of the monetary instrument.

We have been advised by the Internal Revenue Service that amounts paid as penalties are not deductible for Federal Income Tax purposes. Furthermore, deductions are not permitted for the value of merchandise forfeited to the government as a result of violations of Customs laws if the taxpayer claiming the deductions has committed the violations.

REPLY TO: DISTRICT DIRECTOR OF CUSTOMS, NEW ORLEANS, LA 70130

In accordance with Title 19, Code of Federal Regulations, Part 171.33, you have the right to file a supplemental petition. If you decide to file a supplemental petition, it must be received in this office within thirty (30) days from the date of this letter. However, it should be submitted only if you set forth new facts or evidence which would justify further relief.

Sincerely,

Leslie Dillmann
Fines, Penalties, and Forfeitures Officer

enclosure

K 196 D1 OPIR - CPA

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
10th Floor
Boston, MA 02114
4/11/95

George J. Weise, Commissioner
U.S. Customs Service
1301 Constitution Avenue
Washington, D.C. 20229

Dear Commissioner:

I am writing to you on behalf of Optima Precision Inc., a Massachusetts company. Optima Precision is the exclusive licensed manufacturer and distributor of a 2 CD box (equal in size to single CD box) for the U.S. market.

Optima is concerned about the fact that a Far East manufacturer is producing this item and importing it into the U.S. market for sale. This would appear to be a clear case of patent infringement.

I would greatly appreciate if you would invoke your powers to sanction these copies of a patented product and protect the interests of this U.S. company. Currently, customs regulations regarding this issue seem to benefit foreign manufacturers at the cost of American companies.

I would appreciate if you would review this information and forward any comments or statements to me or Kevin Curtis in my Boston office. The fax number of my Boston office is 617/248-3870.

Thank you and best wishes.

Sincerely,

John F. Kerry
United States Senator

enclosure

JK/bgd/optima

THE COMMISSIONER OF CUSTOMS

WASHINGTON, D.C.

May 10, 1995

R:IT:I
460122 GFM

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

Dear Senator Kerry:

All
b(6)

Thank you for your letter of April 11, 1995, on behalf of your constituent, [redacted] of Optima Precision, Inc. [redacted] is concerned about the importation of products which may infringe upon patented items which [redacted] company is exclusively licensed to manufacture and distribute.

The Customs Service has limited power in patent infringement cases. Despite our vigorous and largely successful efforts in the war against counterfeit trademarked and piratical copyrighted imports, Customs role with regard to patents is limited to the enforcement of Exclusion Orders issued by the International Trade Commission and the administration of Import Surveys which provide patent owners with the names and addresses of importers who import goods which appear to infringe their patent.

If, in the future, Congress legislates the empowering authority, we could do more in the way of patent enforcement. In the meantime, it is suggested that [redacted] attempt to pursue the matter privately through the courts as such efforts seem to be the most effective means of combating patent infringement.

Additionally, with regard to your constituent's question concerning the appropriate duty rate for his products, the best course of action would be for [redacted] to contact our National Import Specialist Office in New York directly at 212-466-3956. These officers, who are experts in commodity classification, would be best able to provide your constituent with an exact rate of duty based upon a more detailed description of the goods than that contained in his original letter.

If we can be of any further assistance whatsoever, please do not hesitate to call upon us.

Sincerely,

George J. Weise

George J. Weise
Commissioner

JOHN KERRY
MASSACHUSETTS

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OFO-IC
CPA

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
Tenth Floor
Boston, MA 02114-2919
(617) 565-8519
January 9, 1995

Mr. William G. Lawrence, Director
Office of Congressional Affairs
United States Customs Service
United States Department of the Treasury
1301 Constitution Constitution Avenue, N.W. - Room 2109
Washington, Dc 20229

RE: [redacted]
[redacted]
Shrewsbury, MA 01545
CLAIM NO: 406053

All
b(6)

Dear Mr. Lawrence:

I am forwarding you a letter from [redacted] of Shrewsbury, MA regarding their concerns with your agency.

b(6)

Because of my desire to be responsive to all questions and inquiries, consideration of the attached is requested.

I would appreciate your looking into this matter and sending me a copy of your findings and views 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

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

JAN 31 1995

MAI-01-IC:C DN

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

Dear Senator Kerry:

Thank you for your January 9, 1995, letter concerning Customs duties charged to your constituents, [redacted] and [redacted]. I regret any inconvenience [redacted] may have experienced during their recent mail importation.

[redacted] express concern that they paid Customs duties on merchandise mailed to them by their son, a member of the United States military stationed abroad. If [redacted] son were returning to the United States under permanent change of station orders (PCS), then his merchandise would be eligible for duty-free treatment. However, merchandise sent by a member of the military without PCS orders is subject to regular duty charges. Neither having been sent from an APO address or having been purchased from a post exchange alters the dutiable status of merchandise entering the United States. If [redacted] son had mailed consolidated gifts, then specific marking and labeling of the merchandise were required to be considered for duty-free treatment.

[redacted] filed an administrative protest with Customs JFK International Mail Branch. Given the lack of supporting evidence provided by [redacted], that protest was denied. If [redacted] choose, they may file a formal protest with the Area Director, JFK International Airport, Building 77, Room 228, Jamaica, New York 11430. If [redacted] pursue a formal protest, then I suggest that they provide detailed information as to value, description, and recipient for each gift. As a side, those marking and labeling requirements are clearly delineated in the publication International Mail Imports (copy enclosed) on page 4.

Concerning specific dollar charges, the United States Postal Service (USPS) collects normal postage fees for transportation and delivery of parcels. U.S. Customs applies an appropriate duty rate for dutiable merchandise. In addition, Customs is required to charge a $5.00 international mail processing fee. Upon delivery, the USPS normally charges a further $3.40 for Customs handling and delivery.

I thank you for your interest in Customs matters and hope that I have been able to fully address the concerns of [redacted].

Sincerely,

for J. W. Emmett

Samuel H. Banks
Assistant Commissioner
Office of Field Operations

Enclosure

N KERRY
ASSACHUSETTS

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CPA

K193B1

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
Tenth Floor
Boston, MA 02114-2919
(617) 565-8519
January 9, 1995

Mr. William G. Lawrence, Director
Office of Congressional Affairs
United States Customs Service
United States Department of the Treasury
1301 Constitution Avenue, N.W. - Room 2109
Washington, DC 20229

RE: [redacted]

Boston, MA 02114

All b(6)

Dear Mr. Lawrence:

I am forwarding you a letter from [redacted] of Boston, MA regarding [redacted] family's concerns with your agency.

b(6)

Because of my desire to be responsive to all questions and inquiries, consideration of the attached is requested.

I would appreciate your looking into this matter and sending me a copy of your findings and views 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:ja
Enclosure

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DEPARTMENT OF THE TREASURY

U S CUSTOMS SERVICE

JAN 31 1995

ENT-1-IC:C EC

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

Dear Senator Kerry:

All b(6)

Thank you for your letter of January 9, 1995, with correspondence from [redacted], regarding Customs fees on an importation of unique wool fabric.

[redacted] explains how [redacted] family members worked out the details to have a sample of their own tartan woven in Scotland, as there were no mills in the United States with the capacity to weave six colors that would make such a small sample.

Unfortunately, there is no provision in the Customs regulations or laws that allow us to treat this as anything other than a normal commercial transaction. It is considered "commercial" because it is coming from a commercial establishment overseas, not because of the party it is going to. Further complicating the situation is the very high rate of duty on woolen goods (up to 17.5 percent of the value).

The New Orleans Customs Office has responded to [redacted] letter, and I am enclosing a copy of their response. Hindsight does not ease the burden in this situation, but as the response from New Orleans suggests, if the group had consulted with the Customs Office in Boston they may have found that a domestic supplier would have been more economical in the long run.

Please let me know if I can be of further service.

Sincerely,

Samuel H. Banks
Assistant Commissioner
Office of Field Operations

Enclosure