JOHN KERRY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

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

January 6, 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] b(6)

Seizure No: ~~95540000145~~

All b(6)

Dear Mr. Lawrence:

My office has been contacted by the family of [redacted], formerly of Brasilia, Brazil. [redacted] is married to an American citizen and resides in Massacusetts. According to [redacted], [redacted] was stopped at Dulles International Airport on December 20, 1994 at which time U.S. Customs Sevice withe'd $10,000 which [redacted] was carrying. b(6)

Because of my desire to be responsive to all questions and inquiries, I would appreciate your looking into this matter at your earliest possible convience.

Please send 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

K194 E1

OFO/CS
cc: CPA
22078

JOHN KERRY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
Tenth Floor
Boston, MA 02114-2919
(617) 565-8519
February 23, 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

Dear Mr. Lawrence:

On January 6, 1995 I wrote to your office on behalf of [redacted] On December 20, U.S. customs withheld $10,000 from [redacted] at Dulles International Airport. As of this date, my office is yet to recieve a formal response from your office. 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. I would also appreciate your telephoning Jim at (617) 565-8519.

Thank you for your cooperation.

Sincerely,

John F. Kerry
United States Senator

JFK:js
Enclosure

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

MAR 13 1995

FO:TC:S:F BT

The Honorable John F. Kerry
United States Senator
One Bowdoin Square
Boston, Massachusetts 02114-2919

Dear Senator Kerry:

This is in response to your letter dated February 23, 1995, on behalf of your constituent, [redacted], who had currency seized at Dulles Airport (case number 95-5401-00145). b(6)

Since this currency was seized at the Port of Dulles, we are forwarding your letter to that office for reply, via our Miami Southeast Regional Office. They will respond directly to you. We have contacted Mr. Jim Shaer of your Boston Office to advise him of the foregoing. In the event you would like to contact the regional office with additional questions, the address is: Regional Commissioner, U.S. Customs Service, 909 SE. First Avenue, Miami, Florida 33131 (telephone: 305-536-5952).

Thank you for your patience and concern in this matter.

Sincerely,

Arnold K. Lombardi

for Samuel H. Banks
Assistant Commissioner
Office of Field Operations

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

MIAMI, FLORIDA

MAR 27 1995

ENF-4-O:C DM/JS
220982

The Honorable John F. Kerry
United States Senator
One Bowdoin Square
Boston, Massachusetts 02114-2919

All
b(6)

Dear Senator Kerry:

This correspondence is in reference to your letter of February 23 1995, on behalf of your constituent [redacted], who is seeking relief from the seizure of [redacted] $10,513.00. That money was seized from [redacted] for [redacted] failure to declare monetary instruments exceeding $10,000, a violation of Title 31, United States Code, Section 5316.

Your letter contained a petition from [redacted] which was forwarded by this office to the District Director, Washington, D.C. for his review. Attached please find a copy of the District Director's decision letter to [redacted]. We find that decision consistent with Headquarter's guidelines for violations of this nature.

If you should require further assistance, please contact my office at (305) 536-5952 or the office of the District Director, Washington, D.C. at (703) 318-5900. Thank you for affording me the opportunity to address the concern of your constituent.

Sincerely,

Robert J. McNamara
Regional Commissioner

Attachment

DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE

MAR 17 1995

District Case
95-5401-00145

[redacted]

16(b)

Baton Rouge, Louisiana 70808

Dear [redacted]

16(b)

This correspondence is in response to your petition dated January 09, 1995, requesting that this office make an administrative decision regarding your failure to report a total of $10,513.00 that was seized from you upon your arrival at the Washington Dulles International Airport.

The monetary instruments were seized in violation of Title 31, United States Code, section 5316, "Reports on Exporting and Importing Monetary Instruments," and are subject to forfeiture under the provision of Title 31, United States Code, section 5317(c), "Search and forfeiture of monetary instruments."

The United States Attorney's Office in Alexandria, Virginia has declined federal prosecution in this matter. Following a careful review of your petition, I have assessed a penalty for $1,050.00 in regard to this case.

This decision was based upon the fact that you are an inexperienced traveler. Upon review of your Customs Declaration (CF 6059B) question #10, "I am/we are carrying currency or monetary instruments over $10,000 U.S. or foreign equivalent," you checked no as your answer. You were referred to a secondary inspection and asked how much currency you were carrying and you orally stated $5,000. Upon requesting more privacy, you were escorted to a secondary examination room where you removed your currency from a money belt and one of your shoulder pads from a garment you were wearing. As you gathered your money and prepared to leave the secondary room the Customs Officers asked if you were sure there was no additional currency in the other shoulder pad of your garment. Finally you admitted that there was more currency in the other shoulder pad. Upon final verification of all the currency you were found in violation of carrying in excess of the $10,000 reporting requirement. Therefore, concealing currency in your shoulder pads for safekeeping and not removing all of the currency at once when questioned by Customs Inspectors, attributed to the mitigated penalty of 10% that I have assessed. It is of utmost importance to follow the Department of Treasury Regulations regarding the transportation of currency and monetary instruments. Nevertheless, it is your responsibility to know and claim the exact amount of currency that you are transporting by filing a CF 4790 form, Report of International Transportation of Currency or Monetary Instruments (CMIR).

The transportation of currency or monetary instruments, whatever the amount, is legal, however, if you take out of or bring into (or are about to take out of or bring into) the United States more than $10,000.00 (U.S. or foreign equivalent, or a combination of the two) in coins, currency, travelers cheques or bearer instruments such as money orders, checks, stocks or bonds, you are required by law to file a report on a CF 4790 form with the U.S. Customs Service. Please be advised that any failure

violation of this requirement or false statements on the report could result in a total forfeiture of the seized currency and may lead to civil penalties and/or criminal prosecution.

Please sign and notarize the enclosed Hold Harmless Agreement and return it to this office in the envelope provided within 30 days. Upon signature and receipt of the above, I will direct our National Finance Center to issue a check to you for the remaining amount seized minus the mitigated penalty of $1,050.00. Be advised that you received $512.00 for humanitarian reasons. You may expect to receive a check for the balance of $8,950.00 in approximately six to eight weeks upon receipt in this office of the signed Hold Harmless Agreement.

Should you disagree with my decision, please contact [redacted] of my staff at (703) 318-5905 upon receipt of this letter. This will allow you the opportunity to submit a supplemental petition. If you decide to file a supplemental petition, it should contain any new information or mitigating circumstances not previously submitted in your original petition. Your supplemental petition must be submitted within 30 calendar days from the date of this letter. Failure to respond to this notice within the time allowed will indicate that you do not wish to take further action regarding this case and the currency will be considered abandoned and forfeited to the United States Government. I have also enclosed copies of the Reporting Requirement for Monetary Instruments and the Report of International Transportation of Currency of Monetary Instruments (CF-4790) for your review.

b(6)

Sincerely,

William Green

William Green
District Director

Enclosures

JOHN KERRY
MASSACHUSETTS

K192 D1

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
Tenth Floor
Boston, MA 02114-2919
(617) 565-8519
December 19, 1994

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

RE: [redacted]
[redacted]
Barrington, Rhode Island 02806

b(6)

All b(6)

Dear Mr. Lawrence:

Please reference the attached correspondence from [redacted] of Barrington, Rhode Island.

Additionally, [redacted] has written and telephoned Senator Kerry's office on a number of occasions concerned that the United States Customs Service has failed to acknowledge [redacted] desire to offer assistance regarding the investigation of ongoing criminal matters.

Your department's appropriate consideration of the attached would be appreciated. I would also appreciate your department acknowledging [redacted] request with a copy to the attention of this office.

Thank you for your time and consideration.

Sincerely,

James D. Shaer
Assistant to Senator John Kerry

JS:1
Enclosure

CC: [redacted]

K187A1

d States Senate
ASHINGTON, DC 20510
ember 12, 1994

Bill, 42406
Got another
Congressional on
Sulfonic Acid.
[redacted] b(6)

ion

W.

ion: Colombian Company is Gaining An
U. S. Competitors By Obtaining Duty-Free
Pretenses

your assistance with a matter that I
us adverse effect on a U. S. company
("Pilot"). This is a family-owned and
company that manufactures chemical
Pilot manufactures a surfactant
U. S. detergent manufacturers. The
acid, is the major product of Pilot's
ies.

bian company is competing unfairly with
for sulfonic acid. This Colombian
same surfactant and selling it to
the United States at a reduced price.
importing this sulfonic acid duty-free
the material is eligible for duty-free
an Trade Preference Act ("ATPA").
the Colombian product is not eligible
more than 65 percent of its value is
are not made in Colombia. If this is
is being robbed of tariff revenue, and
small, high-technology company is being

out six months ago, many of Pilot's
ut-rate product from Colombia made by
pany Colemul S.A. imported by Colemul's
priced significantly lower than Pilot's

Pilot must buy the feedstock needed to manufacture its product either from importers, at a price that includes the most favored nation ("MFN") tariff of over 17 percent, or from U. S. feedstock manufacturers at a comparable price. Colemul apparently buys its feedstock from a Venezuelan source and imports the feedstock from Venezuela into Colombia free of any Colombian duties. Thus, Pilot has to pay at least 17 percent more for feedstock than does Colemul. In addition, unlike Colemul, Pilot Lab carries the expense of compliance with U.S. worker safety and environmental requirements. I understand that Colemul does not have similar expenses.

If U.S. customs laws are in fact not being enforced in this case, then it would mean Colemul is getting an unfair and crippling advantage over Pilot.

Pilot recently submitted a letter requesting you to investigate whether Colemul's sulfonic acid fails to qualify for duty-free treatment under the ATPA. A copy of that request is attached for your convenience. I ask that you examine the facts in this situation, and then advise me of your findings and the relief that will be provided to Pilot to correct Colemul's unfair import competition.

Sincerely,

John F. Kerry

Enclosure

THE COMMISSIONER OF CUSTOMS

WASHINGTON, D.C.

October 3, 1994

The Honorable John F. Kerry
United States Senate
Washington, D.C. 20510

Dear Senator Kerry:

Thank you for your letter of September 12, 1994, concerning Pilot Chemical Corporation and allegations of unfair competition in the U.S. market for sulfonic acid.

Following receipt of your letter, different offices at Customs Service Headquarters reviewed the recent import history of sulfonic acid into the United States. Our preliminary analysis showed that there are importations of sulfonic acid from countries in South America and that these importations have been entered into the United States under certifications authorizing duty-free treatment under two different legislative initiatives: 1) the Andean Trade Preference Act and 2) the Generalized System of Preferences.

The Andean Trade Preference Act (ATPA) permits eligible articles to be imported duty-free from countries designated by the President as beneficiary countries. There are currently four beneficiary countries under the ATPA -- Colombia, Bolivia, Ecuador, and Peru. Under the Generalized System of Preferences (GSP), eligible articles imported into the United States from beneficiary developing countries can be entered duty-free if, among other requirements, at least 35 percent of the imported article's cost derives from materials and production in a single eligible country, or an association of countries eligible for GSP treatment.

One of the goals of the Customs Service is to facilitate trade while maintaining vigilance against importer fraud, thereby preserving American jobs and commerce. As a result of the allegations of unfair competition raised by Pilot Chemical Corporation, we have requested the U.S. Customs Special Agent in Charge, Houston, Texas (where much of the imported sulfonic acid enters the U.S.) to investigate whether or not proper certifications have been used to obtain preferential rates of duty under the ATPA or the GSP on entries of sulfonic acid. If the investigation determines that importations of sulfonic

acid do not qualify for duty-free treatment under the ATPA or GSP, U.S. Customs will collect the proper import duties on shipments of sulfonic acid and initiate civil or criminal penalties, as appropriate.

The Customs Service appreciates your interest and concern in the enforcement of the trade and Customs laws of the United States.

Sincerely,

George J. Weise
Commissioner

JOHN KERRY
MASSACHUSETTS

K182D1 ESS

IC
cc. CIA

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
Tenth Floor
Boston, MA 02114-2919
(617) 565-8519
June 2, 1994

Ms. Jackie Motley
Acting Director, Office of Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
Room 2109
1301 Constitution Avenue, N.W.
Washington, DC 20229

RE: [redacted]
1994 Bering Strait-Siberian Expedition
[redacted]
Essex, MA 01929

All b(6)

Dear Ms. Motley:

I am forwarding you a letter from [redacted] of Essex, MA who is writing on behalf of the 1994 Bering Strait-Siberian Expedition. [redacted] expresses a concern over the cost of flying a Customs official from Nome, Alaska to Wales, Alaska.

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

JUN 14 1994

VES-1-IC:P BH

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

Dear Senator Kerry:

Thank you for your June 2, 1994, letter enclosing correspondence from [redacted] concerning the Customs clearance of the 1994 Bering Strait-Siberian Expedition. b(6)

Since there is no Customs staffing at Wales, Alaska, where the Expedition is scheduled to arrive in the United States, a Customs officer would have to be flown to Wales, as [redacted] points out, in order to clear the Expedition members and any merchandise they may be carrying. b(6)

However, we are asking the Regional Commissioner of Customs, located at One World Trade Center, Long Beach, California 90831, to look into this matter and determine if there is an alternative to ease the cost of flying a Customs inspector to Wales. The Regional Commissioner has jurisdiction over our Alaskan Ports of Entry, and he will reply directly to you.

In the meantime, please let us know if we can be of further assistance.

Sincerely,

Patricia M. Duff

for Charles W. Winwood
Assistant Commissioner
Office of Inspection and Control

DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
PACIFIC REGION

JUL 25 1994

VES-1-AK:DCH

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

Dear Senator Kerry:

This is in response to correspondence from [redacted] concerning the Customs clearance of the 1994 Bering Strait-Siberian Expedition upon arrival from Russia at Wales, Alaska. b(6)

Apparently no one from the expedition party had contacted U.S. Customs in Alaska before [redacted] wrote to you. Since that time, our Anchorage District Office has received and approved a request to have all Customs requirements conducted by our staff in Nome upon the arrival of the expedition by air from Wales. b(6)

If you have any questions or if more information is needed, please have a member of your staff contact Anchorage Supervisory Customs Inspector Lee Runestad at (907) 248-3373.

Sincerely,

Virginia Noordewier

for Rudy M. Camacho
Acting Regional Commissioner

REPLY TO: REGIONAL COMMISSIONER OF CUSTOMS
ONE WORLD TRADE CENTER, SUITE 705, LONG BEACH, CA 90831-0700

10931

JOHN KERRY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
Tenth Floor
Boston, Massachusetts 02114
(617) 565-8519
May 31, 1994

Ms. Ora D. Starks
Congressional Inquiries
U.S. Department of the Treasury
Room 3457
1500 Pennsylvania Ave., N.W.
Washington, DC 20220

Dear Ms. Starks:

I am forwarding to you a copy of a letter from a [redacted], Winthrop, MA 02512-2723, concerning [redacted] the status of [redacted] application for a job within the Treasury Department Bureau of Customs. 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 Jack Madigan, in care of my office.

Thank you for your cooperation in this matter.

Sincerely,

John F. Kerry
United States Senator

JFK/jem

RECEIVED
LEGISLATIVE AFFAIRS
JUN 6 2 58 PM '94
DEPT OF THE TREASURY

DEPARTMENT OF THE TREASURY
WASHINGTON

ASSISTANT SECRETARY

July 18, 1994

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

All b(6)

Dear Senator Kerry

Thank you for your letter of May 31, 1994, on behalf of your constituent, [redacted]. [redacted] has applied for a law enforcement position with the U.S. Customs Service and is seeking assistance in obtaining the status of [redacted] employment application.

In order to be fully responsive to your inquiry on behalf of [redacted], I have requested the U.S. Customs Service, Office of Human Resources, to review and research the concerns raised by [redacted]. I will provide you with a more detailed reply as soon as possible. Please be assured that [redacted] concerns will be addressed in an equitable manner.

Please let me know whenever we may be of service.

Sincerely,

(Signed)

Michael B. Levy
Assistant Secretary
(Legislative Affairs)

DEPARTMENT OF THE TREASURY
WASHINGTON

ASSISTANT SECRETARY

AUG 10 1994

LA-94-10931
ADM-2-OM:H:OE

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 dated May 31, 1994, on behalf of your constituent, [redacted], who has expressed an interest in obtaining a Federal Law Enforcement position with the U S. Customs Service.

The Customs Service looks to recruit the best qualified candidates to fill vacancies, therefore, we appreciate your constituent's desire to join this dedicated workforce. Recruitment methods, such as the Treasury Enforcement Agent (TEA) examination, Schedule A, and the Veterans' Readjustment Appointment (VRA) authorities are utilized to employ eligible and qualified entry level candidates into law enforcement positions.

Since [redacted] has already taken and passed the TEA examination, the following are the procedures for hiring from that register. An applicant can be selected only if: 1) the agency requests a list of eligibles (selection register) from the Office of Personnel Management (OPM); and 2) the individual is within reach on the selection register received.

The recruitment efforts for the Customs Service have been limited due to budgetary and hiring restraints. At the present time, the Customs Service has not requested a list of eligible candidates from OPM. Please be assured that if a list of eligibles is requested, and [redacted] is within reach on the register, [redacted] will be given full consideration along with all other qualified candidates.

The Customs Service, Office of Enforcement, has established procedures for recruitment of applicants interested in employment for law enforcement positions as Schedule A appointees. Applicants are invited to contact designated local recruiters within their area. The recruiter in [redacted] area is Senior Special Agent, [redacted] and [redacted] can be reached at [redacted] (617) 565-7411. These recruiters have been advised to review all applications for prospective candidates and make recommendations for recruitment to the Office of Enforcement.

For [redacted] use, we have enclosed the Customs Service recruitment brochure, "Exceptional Careers," which provides information on general employment procedures and practices, as well as descriptions of other occupations that may be of interest to [redacted]. We have also enclosed an Application for Federal Employment (SF-171).

We hope this information will be helpful to your constituent. We appreciate your interest on behalf of [redacted] and we regret that we are unable to offer [redacted] consideration for employment at this time.

If you require further information concerning this matter, please feel free to have a member of your staff contact [redacted] at (202) 634-5036.

Please let me know whenever we may be of service.

Sincerely,

(Signed)

Michael B. Levy
Assistant Secretary
(Legislative Affairs)

Enclosures

N KERRY
CHUSETTS

1 ,2-B1 CO CPA

One Pow[illegible] Square
[illegible] sachusetts 02114
[illegible] 617-565-8519
[illegible] 617-248-3870

[illegible] 3, 1994

William Lawrence
Associate Commissioner
for Congressional and Public Aff[illegible]
U.S. Customs Service
1301 Constitution Avenue
Washington, D.C. 20229

Dear Mr. Lawrence:

As you may know, Massachusetts is home to a considerable number of small to mid-sized manufacturers of items made in plastic. I write in hope that your office may help us clarify a Customs situation that currently faces some of them.

Our information is that, currently, the applicable U.S. duty on polystyrene resin is 9.3 percent, plus one cent per kilo. The applicable duty on finished products manufactured from polystyrene resin, such as [illegible] used for packaging compact discs (Classification [illegible] 3920.90.9990) is 5.3 percent.

We would greatly appreciate [illegible] Customs could verify these tariffs for us [illegible] verify that the current [illegible] polystyrene [illegible]

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

JUN 8 1994

CLA-2 CO:R:C:F
956504 EAB

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

Dear Senator Kerry:

This is in response to a letter dated May 23, 1994, from your Executive Assistant for Economic Affairs, [redacted], concerning the classification and rate of duty under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) of polystyrene resin and certain articles thereof, each made in China.

Polymers of styrene, so long as they are in primary form, are classifiable under heading 3903, HTSUSA. More particularly, if the goods are expandable polystyrene in primary form, they would be classified under subheading 3903.11.00; if the goods are other than expandable polystyrene in primary form, they would be classified under subheading 3903.19.00. In either case, the goods would be subject to the column one general rate of duty of 0.9 cents/kg plus 9.2 percent ad valorem, if entered in calendar year 1994.

The classification of the so-called "jewel boxes", i.e., the plastic, in this instance, polystyrene resin, individual cases in which compact discs are sold and stored, depends upon answers to several questions that we have posed to Mr. Hubbard. As soon as we obtain further information from him, we will be able to provide you with the classification and rate of duty for such goods.

If we can be of further assistance in this or any other matter, please do not hesitate to call on us.

Sincerely,

William D. Lawrence

Jose D. Padilla
Assistant Commissioner
Congressional and Public Affairs

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

JUL 18 1994

CLA-2 CO:R:C:F
956504 EAB

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

Dear Senator Kerry:

This is in further response to a letter dated May 23, 1994, from your Executive Assistant for Economic Affairs, [redacted] [redacted], concerning the classification and rate of duty under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) of polystyrene resin and certain articles thereof, each made in China.

The classification and corresponding rate of duty of the "jewel boxes", i.e., the individual cases in which compact discs are sold and stored, depends upon their condition as imported. General Rule of Interpretation (GRI) 2(a), HTSUSA, sets forth the principle of classification that an incomplete or unfinished article having or exhibiting the essential character of the complete or finished article shall be classified under that tariff provision applicable to the complete or finished article; furthermore, a tariff provision for a complete or finished article includes such article entered unassembled or disassembled. In accordance with GRI 2(a), therefore, Customs would classify CD "jewel boxes," if their condition as imported so warranted, under subheading 3923.10.0000, HTSUSA, a provision for "articles for the conveyance or packing of goods, of plastics; stoppers, lids, caps and other closures, of plastics: Boxes, cases, crates and similar articles," bearing duty at the column one general rate of 3 percent ad Valorem.

If components of the jewel boxes were entered separately, we would likely classify the bottoms in subheading 3923.10.0000 as well. This is so because, for example, *Webster's Ninth New Collegiate Dictionary* defines "box" to be "a rigid, typically rectangular receptacle often with a cover," thereby indicating that a "box" does not require a cover.

The lids would be classified under subheading 3923.50.0000, HTSUSA, a provision for "articles for the conveyance or packing of goods, of plastics; stoppers, lids, caps and other closures, of plastics: Stoppers, lids, caps and other closures," bearing duty at the column one general rate of 5.3 percent ad Valorem.

The foregoing rates of duty are the most-favored-nation rates and are, of course, applicable to products of China.

We are pleased to provide you with the foregoing information on behalf of your constituent, and enclose herewith a small leaflet concerning Customs "District Rulings Program." For any prospective importation, we would request that you urge your constituent to obtain a written, binding ruling from Customs, the procedures for which are set out in Part 177 of Title 19 of the Code of Federal Regulations.

If we can be of further assistance in this or any other matter, please do not hesitate to call on us.

Sincerely,

Jose D. Padilla
Assistant Commissioner
Congressional and Public Affairs

Enclosure

JOHN KERRY
MASSACHUSETTS

K181D1

CO

United States Senate

WASHINGTON, DC 20510

One Bowdoin Square
10th Floor
Boston, MA 02114
5/9/94

William Lawrence
Associate Commissioner for
Congressional and Public Affairs
U.S. Customs Service
1301 Constitution Avenue
Washington, DC 20229

Dear Mr. Lawrence:

All b(6)

I am writing to you on behalf of my constituent, [redacted] of Hingham, Massachusetts.

[redacted] is faced with a sample age problem. U.S. Customs claims that the sugar content of [redacted] product is in excess of permitted limits and therefore, subject to duty. [redacted] disputes this and finding and to resolve the situation, [redacted] proposes an independent test of the product. Would you review this complaint and forward your findings to my Staff Assistant, Kevin Curtis of my Boston office.

Thank you and best wishes.

Sincerely,

John F. Kerry
United States Senator

JFK/ama/Kuhn

DEPARTMENT OF THE TREASURY

MAN-CO:TO:I:O

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 9, 1994, concerning your constituent, [redacted], who is having problems with entering chocolate candy into the United States because of the sugar content. b(6)

Since the merchandise was entered through the port of St. Albans, we are forwarding your letter to that office for reply via our Boston regional office. They will respond directly to you.

Thank you for your patience and concern in this matter.

Sincerely,

John D. Radilla
Assistant Commissioner
Congressional and Public Affairs

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

BOSTON, MASSACHUSETTS

JUNE 21, 1994

The Honorable John F. Kerry
United States Senator
[illegible]

[illegible] your letter of May 9, 1994 concerning [redacted] of Pilgrim Food Products Inc. [illegible] hereafter referred to as Pilgrim [illegible]

b(6)

[illegible] or redelivery to Customs Custody of eight shipments [illegible] crumb imported by Pilgrim Food from the United Kingdom [illegible] portations were ordered redelivered following a routine [illegible] laboratory analysis which indicated the chocolate crumb [illegible] by Pilgrim Food contained in excess of 60% sugar. Chocolate [illegible] products in excess of 60% sugar are subject to quota restrictions [illegible] Since no quota allotment exists for such products from the United Kingdom, importations into the United States would be prohibitive.

Pilgrim Food, through their legal counsel, took exception with the laboratory results and insisted the imported product contained less than 60% sugar. Such product would be allowed entry under a quota category which allots 3,379,297 KG from the United Kingdom. Based on the assertions of Pilgrim Food attempts were made to verify the results of the laboratory analysis. A copy of the laboratory report was provided to Pilgrim Food's attorney as well as an explanation of the Customs testing methodology. Pending verification of the initial laboratory report, all shipments accompanied by independent laboratory results certifying the sugar content as less than 60% were allowed entry.

Subsequently, it was determined the Customs laboratory erroneously applied the lactose percentage to the sugar content when in fact it should have been applied to the milk solids percentage. Based on the proper application of the lactose percentage, the sugar percentage for the Pilgrim Food sample was amended from 62% to less than 60%.

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As a result, an amended laboratory report was requested and recently received by our St. Albans district. Based on the amended report, the demands for redelivery of the prior eight shipments will be cancelled. Pilgrim Food's attorney has been advised of this fact. Importations of chocolate crumb for Pilgrim Food will be allowed entry under the established quota category which allots 3,379,297 KG from the United Kingdom.

We regret the inconvenience caused to the importer as a result of the Customs laboratory error. The action taken by field personnel was necessary based on the initial laboratory results received At the request of the importer, goods were allowed entry based on independent laboratory analysis pending verification of the initial laboratory report.

Should you or the importer require additional information concerning this matter please feel free to contact [redacted] of our Commercial Operations Division at (617) 565-6242. b(6)

Sincerely,

Philip W. Spayd

Philip W. Spayd
Regional Commissioner

cc: District Director
St Albans