

JOHN KERRY
MASSACHUSETTS

COMMITTEES
COMMERCE, SCIENCE,
AND TRANSPORTATION
FINANCE
FOREIGN RELATIONS
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510-2102

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

January 28, 2003

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue N.W. Room 6.4-A.....
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

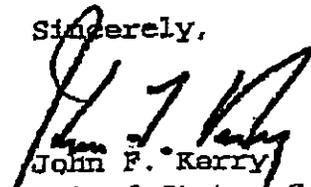
I am forwarding to you a copy of a letter from [REDACTED] concerning [REDACTED] licensure application. b(6)

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 the attached correspondence.

Please convey a copy of your response to the issues raised in [REDACTED] letter to Meaghan F. Hohl of my Boston office. b(6)

I thank you for your cooperation in this matter.

Sincerely,


John F. Kerry
United States Senator

JFK/mh

0630275 dtc/1/9



U.S. Customs Service

1300 Pennsylvania Avenue, N.W. Washington, D.C. 20229

FEB 21 2003

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

Dear Senator Kerry:

Thank you for your letter of January 28, 2003, on behalf of your constituent, [REDACTED], Director of Continuing Education and Adjunct Programs, Boston School of the Museum of Fine Arts, Boston. In your correspondence, you asked that we respond to [REDACTED] request to obtain a license from the Office of Foreign Assets Control (OFAC) to conduct travel-related transactions in Cuba pursuant to the Cuban Assets Control Regulations at Title 31 Code of Federal Regulations 515. Please allow me to address this request. | b(6)

Being the primary border agency, Customs enforces the Foreign Assets Control Regulations to ensure compliance on behalf of OFAC. However, the OFAC is the agency responsible for developing and administering the trade embargoes. The OFAC will issue a license on a case-by-case basis to a specific individual or company allowing an activity that would otherwise be prohibited by a trade embargo. I have, therefore, taken the liberty of forwarding a copy of your correspondence to Mr. David Mills, Chief, Licensing Branch, OFAC, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220. Mr. Mill's telephone number is (202) 622-2480.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

TRADITION

A handwritten signature in black ink, appearing to read "Nicole R. Nason".

SERVICE

Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

HONOR

cc: Mr. David Mills, OFAC

Congress of the United States

Washington, DC 20515

January 23, 2003

Michael Garcia
Acting Commissioner
U.S. Immigration and Naturalization Service
Chester A. Arthur Building
425 Eye St, NW
Washington, DC 20001

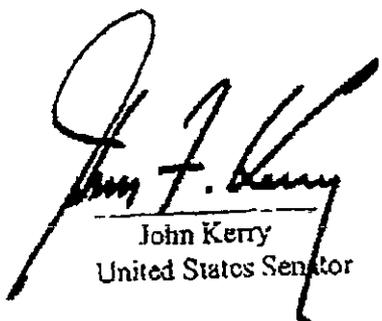
Dear Acting Commissioner Garcia:

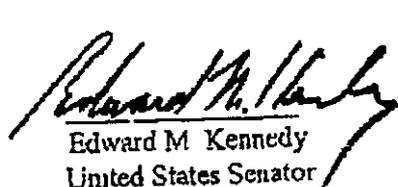
During the past year, Massachusetts Port Authority (Massport) officials have repeatedly voiced their concern that under-staffed INS stations at Boston's Logan Airport have led to lengthy delays, sometimes as long as an hour or two, for passengers arriving from overseas. Passengers are often forced to stay aboard the aircraft while awaiting processing, which makes for an unpleasant experience and an inefficient processing system. As you can appreciate, waiting aboard an airplane for two hours after a 10 or 12 hour flight is a frustrating prospect, and does not help build confidence in our government's ability to process returning Americans and international visitors.

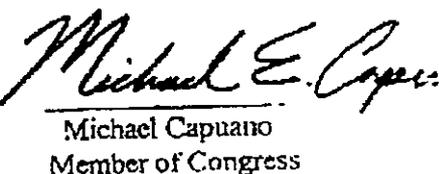
You may also be aware that Massport is currently building a new international terminal which will allow the airport to service more fliers and significantly expand its international arrivals and departures. Critical to the success of this new terminal will be the presence of additional INS staffers to process people coming into the country. In light of this, and in light of the current demand for staffing, we urge you to immediately deploy additional INS staffers to Logan Airport. Although we understand that the INS has a finite amount of resources to spread around the country, Logan Airport is one of the main arrival points for international flights coming into the United States, and, as such, the need for more INS staffers cannot be stressed enough.

We appreciate your prompt attention to this matter.

Sincerely,


John Kerry
United States Senator


Edward M. Kennedy
United States Senator


Michael Capuano
Member of Congress



U.S. Customs Service

1300 Pennsylvania Avenue, N.W. Washington, D.C. 20229

June 3, 2003

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

Dear Senator Kerry

Thank you for your letter of January 23, 2003, to Acting Assistant Secretary Michael Garcia of the Bureau of Immigration and Customs Enforcement (ICE). In your correspondence, which was forwarded to the Bureau of Customs and Border Protection (CBP) for response, you expressed concern regarding the amount of time that is required to process international flights arriving at Boston's Logan Airport. You also expressed concern regarding staffing levels at this location. We have recently completed our review of these issues. Please allow me to outline our findings.

As you may be aware, Logan Airport is currently undergoing major construction in an effort to modernize its facilities. The Massachusetts Port Authority (MassPort) is the lead organization for this project. MassPort works with all interested parties, including CBP and the airlines, in an effort to minimize any impact the project may have on operations.

At the present time, construction is taking place within the Federal Inspection Services (FIS) area of Logan Airport's Terminal E. Although every effort has been taken by MassPort, CBP, and the airlines to minimize its impact, the construction has temporarily reduced the maximum occupancy of the FIS area from 900 to 700 passengers. As a result, passengers may temporarily experience processing delays during peak arrival times until this phase of construction is complete.

Please be assured that any delays experienced by travelers arriving from international destinations are a direct result of the modernization project and not CBP staffing shortages. In fact, CBP has been steadily increasing the size of its workforce since September 2001. This has greatly enhanced our ability to protect our Nation's borders and to defend our homeland against future acts of terror.

TRADITION

SERVICE

HONOR

We have shared the concerns that you mentioned in your letter with MassPort officials. They have assured us that they are continuing to take every action necessary to eliminate or reduce delays caused by the ongoing construction.

I appreciate your interest in Customs and Border Protection. If we may offer further assistance, please contact me at (202) 927-1760.

Yours truly,

A handwritten signature in black ink, appearing to read "Richard F. Quinn", with a long horizontal flourish extending to the right.

Richard F. Quinn
Acting Assistant Commissioner
Office of Congressional Affairs

JOHN KERRY
MASSACHUSETTS

COMMITTEES:
COMMERCE, SCIENCE,
AND TRANSPORTATION
FINANCE
FOREIGN RELATIONS
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510-2102

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

January 21, 2003

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W. Room 6.4-A
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

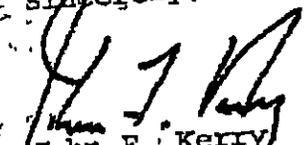
I am forwarding to you a copy of a letter from [REDACTED] concerning China customs.

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

b(6)



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C 20229

March 4, 2003

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

Dear Senator Kerry:

This letter is in further reply to your letter of January 21, 2003, on behalf of constituent, [REDACTED]. In your correspondence, you asked for assistance in resolving an issue related to [REDACTED] business concerns and the China Customs Service. We recently completed our inquiry of this matter. Please allow me to outline our findings for you.

[REDACTED] business concerns were related to the procurement, delivery and installation of two Microspectrophotometers from S.E.E. Scientific Instruments to two separate customers located at Beijing, China. The two scientific instruments arrived in China on January 9, 2003. The scientific instrument consigned to the Municipal Forensic Laboratory was cleared and released by China Customs on January 13, 2003.

The second scientific instrument consigned via Guangzhou, China, for the Beijing Supreme Court was not immediately cleared and released by Guangzhou, China Customs. This was due to issues related to the composition of some of the scientific instrument components, their modification, and their country of origin classification. Attempts to secure the clearance and release of the scientific instruments from Guangzhou, China Customs had been unsuccessful. The matter acquired a further sense of urgency in that the S.E.E. Applications scientist assigned to effect the installation of the instrument had a working class 30-day visa, which was on the verge of expiring.

TRADITION

SERVICE

HONOR

The Customs Attaché, Beijing addressed the matter to the Department of International Cooperation, China Customs, Deputy Director Ms. Dang Yingjie in furtherance of resolving the issue. A delay in resolving the matter was due to the observance of the Chinese New Year by Chinese Government officials from February 3-10, 2003. On February 12, 2003, the Customs Attaché, Beijing was advised by Beijing, China Customs that

ALL
b(6)

the scientific instrument shipment had been cleared, released, delivered and installed at the Beijing Supreme Court. The Customs Attaché, Beijing contacted [REDACTED] and confirmed the aforementioned.

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During the course of this inquiry, U S. Customs Service personnel have been in communication with personnel from your staff and have kept them appraised of developments and the resolution of this matter.

We appreciate your interest in the Customs Service. If we may offer further assistance, please contact me at (202) 927-1760.

Yours truly,



Richard F. Quinn
Acting Assistant Commissioner
Office of Congressional Affairs

JOHN KERRY
MASSACHUSETTS

COMMITTEES:
COMMERCE, SCIENCE
AND TRANSPORTATION
FINANCE
FOREIGN RELATIONS
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510-2102

One Bowdoin Square
Tenth Floor
Boston, MA 02114
(617) 565-8809

December 20, 2002

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W., Room 64-A
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

I am forwarding to you a copy of a letter from [redacted] concerning an incident that took place involving the U.S. Customs Service on October 21, 2002.

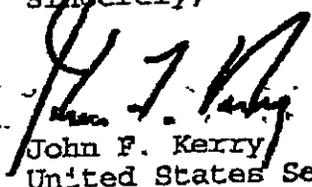
6(6)

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



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C. 20229

JAN 24 2003

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

Dear Senator Kerry:

Thank you for your letter of December 20, 2002, on behalf of your constituent, [REDACTED]. In your correspondence, you asked that we address [REDACTED] concerns about [REDACTED] Customs processing on October 21, 2002, at the Nassau Preclearance Station. We have recently completed our review of this matter. Please allow me to address your constituent's concerns.

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16(6)

Speaking with travelers and examining merchandise entering or leaving the United States are some of the ways we look for illegal or prohibited items or potential suspect terrorists. Unless they are exempt by diplomatic status, all travelers entering the United States, including U.S citizens, are required to participate in routine Customs processing. Customs relies on its officers to determine appropriate interview questions based on the progression of the examination. Customs does not have a comprehensive list of questions that may be asked since each situation may warrant different questions.

Customs may, unfortunately, inconvenience law-abiding citizens in order to detect those that are involved in illicit activities. We are especially aware of how stressful the inspection process may be to those selected for inspection. In such cases, we rely on the cooperation, patience, and understanding of the traveling public.

At preclearance stations, passengers encounter the Customs processing prior to boarding their flight. Occasionally, a passenger may miss their flight due to a Customs inspection. The passenger's cooperation enables us to conduct Customs inspections quickly and efficiently.

TRADITION

Allow me to suggest that if, for any reason in the future, [REDACTED] is dissatisfied with her Customs processing, [REDACTED] should ask to speak to a supervisor, or a Customs Passenger Service Representative (at major airports), on-site. A supervisor is always available to address the concerns of travelers.

6(6)

SERVICE

HONOR

I appreciate your interest in the Customs Service. If we may be of further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

A handwritten signature in black ink, appearing to read "Nicole R. Nason". The signature is fluid and cursive, with a prominent "N" and "R".

Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

JOHN KERRY
MASSACHUSETTS

COMMITTEES:
COMMERCE, SCIENCE
AND TRANSPORTATION
FINANCE
FOREIGN RELATIONS
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510-2102

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

December 10, 2002

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W., Room 5.4-A
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

I am forwarding to you a copy of a letter from [redacted] concerning problems that [redacted] has had with the U.S. Customs Service.

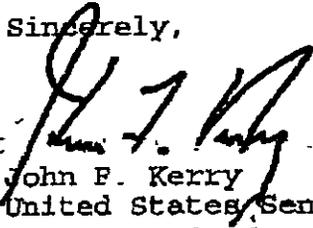
16(6)

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



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C 20229

DEC 27 2002

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

Dear Senator Kerry:

Thank you for your letter of December 10, 2002, on behalf of your constituent, [REDACTED]. In your correspondence, you asked that we review [REDACTED] concerns regarding problems [REDACTED] has been experiencing during [REDACTED] Customs processing when returning to the United States from foreign travel, as well as [REDACTED] greater concern that [REDACTED] is allegedly being profiled based upon [REDACTED] ethnic background, country of birth and religion. Please allow me to report on the status of this matter.

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b(6)

First, please be assured that it is not the intent of the U.S. Customs Service to subject travelers to unwarranted scrutiny. [REDACTED] is entitled to the utmost courtesy and professionalism that can be offered within the limits of our enforcement responsibilities. Regrettably, our efforts can occasionally cause inconvenience. This is especially true as a result of the tragedy of September 11, 2001. Second, please know that the U.S. Customs Service does not target or profile individuals on the basis of race, ethnicity, color, religion, or national origin, nor would such targeting or profiling ever be permitted or tolerated.

Our inquiry into the facts and circumstances surrounding [REDACTED] specific situation has determined that [REDACTED] was the subject of an Advanced Passenger Information System (APIS) lookout . This system provides U.S. Customs with passenger information on all arriving passengers prior to the actual arrival of the flight. The information provided by the airlines is mandatory pursuant to the Aviation and Transportation Safety Act (Public Law 107-71). Based on the information contained in the APIS, [REDACTED] was designated for a secondary examination.

We are pleased to report that after careful review of the Interagency Border Inspection System, which is housed on the Treasury Enforcement Communications System, we have taken appropriate action so that [REDACTED] will not receive further automatic special attention. [REDACTED] can now expect to receive only routine Customs processing in the future when arriving at U S. ports of entry.

TRADITION

SERVICE

HONOR

ALL
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However, we would like to mention a word of caution if [REDACTED] intends to travel frequently on an international basis. [REDACTED] repetitive entry and exit to and from the United States can increase the likelihood that [REDACTED] may be subjected to a higher degree of scrutiny than would normally be the case. This is due to a random selection process and should [REDACTED] be selected for an intensive examination, [REDACTED] should in no way be alarmed.

We regret any inconvenience or unpleasantness [REDACTED] may have experienced, and we hope that [REDACTED] future encounters with the U.S. Customs Service will be of a more pleasant nature.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

for *Gloria J. Bryant*
Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs



United States Senate

WASHINGTON, DC 20510-2102

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

November 18, 2002

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W., Room 6.4-A
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

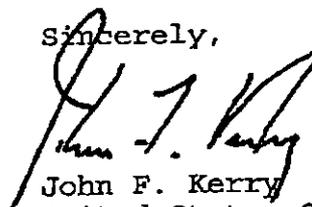
I am forwarding to you a copy of a letter from [REDACTED] of Peabody, Massachusetts concerning [REDACTED] interest in employment. 16(b)

It is 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, keeping me informed of all developments, and sending copies of your findings and views to Roger Lau, in care of my office.

Thank you for your time, consideration and cooperation in this matter.

Sincerely,



John F. Kerry
United States Senator

JFK/rwl



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C 20229

DFC 27 2002

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

Dear Senator Kerry

Thank you for your letter of November 18, 2002, on behalf of your constituent, [REDACTED]. In your correspondence, you asked that we review the status of [REDACTED] applications for a permanent, full-time position with the U.S. Customs Service. Please allow me to outline the situation for you.

Our records indicate that [REDACTED] applied for Customs Inspector positions under Vacancy Announcements CH124794 and CH154254. [REDACTED] was found qualified at the GS-5 level. [REDACTED] name has been added to our pool of eligible candidates to whom tentative offers of employment may be made as vacancies become available at their preferred geographic locations. If [REDACTED] has additional questions regarding the status of [REDACTED] application, [REDACTED] may contact Mr. Jerry Tavenner of our Human Resources Management staff at (202) 927-3703.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

Nicole R. Nason
for Nicole R. Nason

Assistant Commissioner
Office of Congressional Affairs

TRADITION

SERVICE

HONOR

ALL
6(6)

United States Senate

WASHINGTON, DC 20510-2102

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

November 18, 2002

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W., Room 6.4-A
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

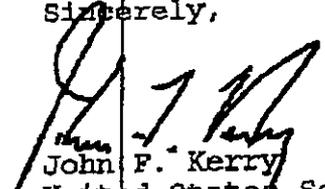
I am forwarding to you a copy of a letter from [REDACTED] concerning [REDACTED] seizure case # 2003-0417-0000 16(6)
16#01.

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



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C. 20229

DEC 24 2002

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

Dear Senator Kerry:

Thank you for your letter of November 18, 2002, on behalf of your constituent, [REDACTED]. In your correspondence, you asked that we respond to [REDACTED] concerns regarding the seizure of currency from [REDACTED], by Customs on October 23, 2002, at the Logan International Airport in Boston, Massachusetts. We have recently completed our review of this matter. Please allow me to outline our findings.

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Our review indicated [REDACTED] did not report \$25,550 that [REDACTED] had in [REDACTED] possession during an outbound currency examination. The currency was subsequently seized under the authority of Title 31, United States Code, Section 5317, for violation of Sections 5316 (failure to report) and 5332 (bulk cash smuggling) of the same title. The seizure was authorized because [REDACTED] failed to report to Customs that [REDACTED] was transporting currency in excess of \$10,000 out of the United States.

The Customs inspector at the airport informed [REDACTED] that there is no limit or restriction on the amount of money that may be brought into or taken out of the United States, nor is it illegal to do so. However, if [REDACTED] was transporting or caused to be transporting more than \$10,000 into or out of the country, [REDACTED] was required to file a report with Customs

When asked to declare all monies [REDACTED] was transporting, including any monies that [REDACTED] was carrying on behalf of others, [REDACTED] declared \$10,200 and filed a Customs Form 4790 (Report of International Transportation of Currency or Monetary Instruments) for the same amount. Upon further inspection of [REDACTED] handbag by Customs, a total of \$25,550 was discovered. At the time of seizure, \$2,550 was returned to [REDACTED] for humanitarian reasons.

TRADITION

SERVICE

HONOR

All
b(6)

On October 25, 2002, a petition requesting the return of the seized currency was received from [REDACTED]. Customs is reviewing this petition and is proceeding as expeditiously as possible to achieve a resolution in this matter. [REDACTED] has been advised of her rights and has elected administrative proceedings. However, [REDACTED] can decide at any time not to continue the administrative process and file a claim to cause a referral for judicial forfeiture.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,



for Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

United States Senate

WASHINGTON, DC 20510-2102

November 5, 2002

The Honorable Robert C. Bonner
Commissioner
U.S. Customs Service
1300 Pennsylvania Ave., N.W.
Washington, DC 20229

Dear Commissioner Bonner:

I am writing to strongly urge you to carefully consider Candle Corporation of America's ("Candle Corp." or "CCA") position that it is an "eligible affected domestic producer" under the Continued Dumping and Subsidy Offset Act of 2000 (the "CDSOA")

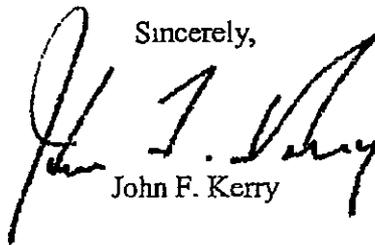
According to CCA, this year's distribution of antidumping duties under the CDSOA will have a tremendous impact on its ability to make goods in the United States and compete in the domestic market. That is why I hope that Customs will review its prior determination that Candle Corp. is not an eligible producer

Candle Corp., together with its sister divisions of Blyth, Inc., is the largest domestic manufacturer of candles and home fragrance products in the United States. It employs 515 employees in facilities in Plymouth and Hyannis and has more than 500 independent contractors in Massachusetts. It is dedicated to manufacturing here and has acquired or built a number of U.S. facilities since the mid-1980's.

Chinese dumping has significantly affected Candle Corp. Moreover, Candle Corp. believes that its exclusion from obtaining any of the collected duties is giving its competitors an unexpected windfall in duty disbursement and reducing Candle Corp.'s ability to reinvest in its facilities, technology, and workers.

Candle Corp. appears to be the type of domestic manufacturer intended by Congress to benefit from the passage of the CDSOA. I respectfully request that you give careful consideration to its analysis that it is an eligible producer

Sincerely,



John F. Kerry

email: john_kerry@kerry.senate.gov
www: <http://www.senate.gov/~kerry/>

PRINTED ON RECYCLED PAPER

0025309



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C. 20229

JAN - 9 2003

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

Dear Senator Kerry:

Thank you for your letter of November 5, 2002, on behalf of the Candle Corporation of America (CCA).

As you know, CCA filed a certification under the Continued Dumping and Subsidy Offset Act of 2000 (CDSOA), codified at 19 U.S.C 1675c (2002), requesting an offset of dumping duties for Commerce case number A-570-504 for the Fiscal Year 2002 (FY 2002). A meeting was held on November 15, 2002, with CCA's counsel to discuss the merits of their claim.

After careful consideration, Customs has determined that CCA is not eligible to receive a CDSOA distribution for FY 2002. I have enclosed a copy of our letter to [REDACTED], counsel to CCA, addressing the reasons for our denial. b(6)

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760

Yours truly,

A handwritten signature in black ink, appearing to read "Nicole R. Nason".

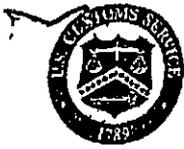
Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

TRADITION

Enclosure

SERVICE

HONOR



U.S. Customs Service

1300 Pennsylvania Avenue, N.W. Washington, D.C. 20229

DEC - 4

[REDACTED]
Hale and Dorr, LLP
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

6(6)

Dear [REDACTED]:

The U.S. Customs Service has completed its review of your certification filed on behalf of the Candle Corporation of America ("CCA"), and after careful consideration of the arguments discussed in the meeting held on November 15, 2002, we maintain our position that CCA is ineligible to receive the Continued Dumping and Subsidy Offset Act of 2000 ("CDSOA") distribution for the fiscal year of 2002 for the reasons stated below.

As explained in our letter of January 18, 2002, CCA does not qualify as an affected domestic producer under the CDSOA because it was not "a petitioner or interested party in support of the petition" as required by the statute. 19 USC 1675c(a)(1). The U.S. International Trade Commission (ITC) concluded that CCA does not meet this requirement. On August 27, 2001, the ITC denied CCA's request to be added to the ITC list because "...it is inappropriate to do so because the company did not indicate support of the petition in either of the questionnaires it submitted in the original petition." In light of the ITC's conclusion, Customs cannot accept CCA's certification as an affected domestic producer because the ITC found that CCA was not a petitioner or interested party in support of the petition in accordance with 19 USC 1675c(b)(1).

CCA filed a certification, requesting treatment as the successor company to both Colonial Candle of Cape Cod ("Colonial") and Lenox Candles ("Lenox"). Both Lenox and Colonial were included on the ITC list for Commerce case number A-570-504. The CDSOA does not address whether distributions may be made to successor companies. The only provision in the CDSOA which mentions successor companies disqualifies the predecessor companies from distributions if the successor company opposed the petition.¹ In the public comments received by Customs in response to its Notice of Proposed Rulemaking on the CDSOA, requests were made to allow successor companies to the companies on the ITC list to file claims for distributions. 66 Fed. Reg. 48,546, 48,547 (September 21, 2001). In response to those comments, Customs added a section in its final rules providing that successor companies may file certifications in order "to claim an offset as an affected domestic producer on behalf of the predecessor company." 19 CFR 159.61(b)(i) It is Customs position that

TRADITION

SERVICE

¹ "Companies, businesses, or persons that have ceased the production of the product covered by the order or finding or who have been acquired by a company or business that is related to a company that opposed the investigation shall not be an affected domestic producer." 19 U.S.C. 1675c(a)(1)

HONOR

any successor company may obtain the distribution of its predecessor companies who supported the petition, provided the successor company did not oppose the petition. This position limits Customs successor regulation. It balances the expressed remedial purpose of the statute (19 USC 1675c note) with the express language of the CDSOA disqualifying even a company acquired by a company related to a company that opposed an investigation. It is Customs position that the disqualifying provision clearly indicates that Congress intended to prevent a company who opposed a petition from obtaining benefits under the CDSOA by acquiring a company that supported the petition.

At the meeting on November 15, 2002, you raised the Supreme Court's ruling in Barnhart v. Sigmon Coal, Co., 534 U.S. 438, 451 (2002) which held that an agency may not impose liability upon a successor company when the applicable statute did not expressly provide for liability to attach to successor companies. If Customs were to find Barnhart controlling, neither CCA nor any other successor company could qualify under the CDSOA because the CDSOA does not expressly provide for distributions to be made to successor companies. If Barnhart is controlling, it would be questionable whether or not Customs "successor" regulation can survive. However, the statute under review in Barnhart was a liability statute which fixed liabilities for various entities. By contrast, the CDSOA does not impose liability; it is a remedial statute. Consequently, we do not find that the Barnhart decision is controlling. Customs maintains the view that Congress did not intend CDSOA distributions to be made to any company that opposed the investigation. Therefore, we conclude that your certification does not meet the requirements of the CDSOA.

Sincerely,



Michael T. Schmitz
Assistant Commissioner
Office of Regulations and Rulings

United States Senate

WASHINGTON, DC 20510-2102

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

October 10, 2002

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W., Room 6.4-A
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

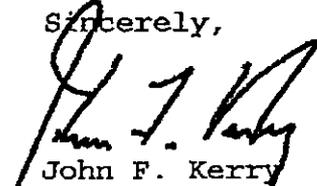
I am forwarding to you a copy of a letter from Mr. Edward DeSousa of Global Drawback, Inc. concerning their FOIA request.

It is 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, keeping me informed of all developments, and sending copies of your findings and views to Roger Lau, in care of my office.

Thank you for your time, consideration and cooperation in this matter.

Sincerely,


John F. Kerry
United States Senator

JFK/rwl



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C 20229

NOV 18 2002

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

Dear Senator Kerry:

Thank you for your letter of October 10, 2002, on behalf of your constituent, Mr. Edward X. DeSousa, President, Global Drawback, Inc. In your correspondence, you asked that we respond to Mr. DeSousa's concerns regarding his Freedom of Information Act (FOIA) request. We have recently completed our review of this matter. Please allow me to outline our findings.

Our records indicate that Customs received a FOIA request from Mr. DeSousa on October 9, 2002. This FOIA request was for a copy of an independent contractor's report that was mentioned in the Notice of Proposed Rulemaking related to the consolidation of Drawback Centers.

This request was forwarded to the Disclosures Branch of the Office of Rulings and Regulations for review. On October 17, 2002, the Disclosures Branch determined that a copy of the report could be released through the FOIA request; however, certain information is exempt from disclosure as set forth in the FOIA at 5 USC 552(b). This exempt information was redacted in a copy of the report that was sent to Mr. DeSousa on October 30, 2002. A copy of our letter to Mr. DeSousa, along with the redacted report, is enclosed for your information.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

A handwritten signature in black ink, appearing to read "Nicole R. Nason".

Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

Enclosure

TRADITION

SERVICE

HONOR



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C. 20229

OCT 30 2002

2003F0037

DIS-1FO:MSS:IET SLH

Mr. Edward X DeSousa
President
Global Drawback, Inc.
50 Main Street
North Reading, MA 01864

Dear Mr. DeSousa:

Trade Compliance and Facilitation is in receipt of your facsimile Freedom of Information Act (FOIA) request, dated October 9, 2002. This FOIA was a request for a copy of the independent contractor's report mentioned in the Notice of Proposed Rulemaking for the consolidation of drawback centers.

Enclosed is a copy of the requested report. However, certain information in this report is exempt from disclosure as set forth in the FOIA, 5 U.S.C. 552(b). The exempt information has been redacted from the enclosed copy. If you consider this response to constitute a denial of your request for disclosure, you may appeal within 35 days.

The appeal must be in writing, signed by you, and contain your name and address, date of your initial request, date of the letter denying your request, description of withheld records or information, and reason you believe why such records or information should be disclosed. Appeals should be sent to: U.S. Customs Service, Freedom of Information Act Appeal, 799 Ninth Street, N.W., U.S. Mint Annex Building, Washington, D.C. 20229

If you should need any additional information, please feel free to contact Ms. Sherri Hoffman at (202) 927-0542.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth G. Durant".

Elizabeth G. Durant
Executive Director, Trade Compliance and Facilitation
Office of Field Operations

TRADITION

SERVICE

HONOR

Enclosures

United States Senate
WASHINGTON, DC 20510-2102

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

October 10, 2002

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W., Room 6.4-A
Washington, D.C.-20229

Dear Assistant Commissioner Nason:

I am forwarding to you a copy of a letter from Massachusetts
Senate President [REDACTED] concerning the proposed
consolidation of the Boston region customs drawback center.

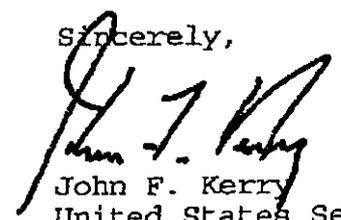
6(6)

It is 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, keeping me
informed of all developments, and sending copies of your findings
and views to Roger Lau, in care of my office.

Thank you for your time, consideration and cooperation in
this matter.

Sincerely,



John F. Kerry
United States Senator

JFK/rwl

0024938



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C 20229

NOV 12 2002

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

Dear Senator Kerry:

Thank you for your letter of October 10, 2002, to which you enclosed a copy of a letter from [REDACTED], Massachusetts Senate President. Enclosed with [REDACTED] letter was a letter from Global Drawback, Inc., a Massachusetts-based company, in which concerns were expressed regarding the proposed closing of the Boston Customs drawback office. Closing of the office was published in a notice of proposed rulemaking in the Federal Register on Wednesday, August 21, 2002 (67 FR 54137).

*All
6(6)*

All comments received in response to the notice of proposed rulemaking will be considered before Customs makes a final decision on the matter. After review of the comments, a final document will be drafted for Customs and Treasury approval prior to publication in the Federal Register. We appreciate your forwarding [REDACTED] views, and you can be assured that we will consider [REDACTED] views before a final decision is made.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

A handwritten signature in black ink, appearing to read "Nicole R. Nason".

Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

TRADITION

SERVICE

HONOR

United States Senate

WASHINGTON, DC 20510-2102

COMMITTEES
COMMERCE SCIENCE
AND TRANSPORTATION
FINANCE
FOREIGN RELATIONS
SMALL BUSINESS

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

September 6, 2002

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W., Room 6.4-A
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

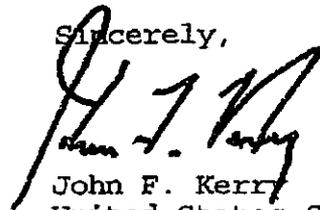
I am forwarding to you a copy of a letter from [REDACTED] of Westwood, Massachusetts concerning the consolidation of the U.S. Customs Drawback Centers. 6(6)

It is 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, keeping me informed of all developments, and sending copies of your findings and views to Roger Lau, in care of my office.

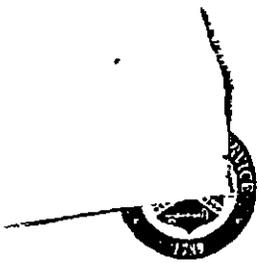
Thank you for your time, consideration and cooperation in this matter.

Sincerely,



John F. Kerry
United States Senator

JFK/rwl



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C. 20229

NOV - 8 2002

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

Dear Senator Kerry:

Thank you for your letter of September 6, 2002, on behalf of your constituent, [REDACTED]. [REDACTED] expressed concerns about the proposed closing of the Boston Customs drawback office. Closing of the office was in a notice of proposed rulemaking published in the Federal Register on Wednesday, August 21, 2002 (67 FR 54137).

AR
b(6)

All comments received in response to the notice of proposed rulemaking will be considered before Customs makes a final decision on the matter. After review of the comments, a final document will be drafted for Customs and Treasury approval prior to publication in the Federal Register. We appreciate your forwarding to us [REDACTED] views, and you can be assured that we will consider [REDACTED] views before a final decision is made.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

TRADITION

SERVICE

HONOR

United States Senate

WASHINGTON, DC 20510-2102

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

September 6, 2002

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W., Room 6.4-A
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

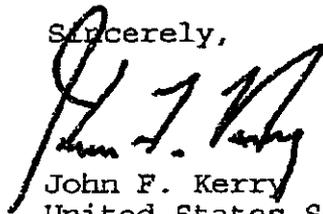
I am forwarding to you a copy of a letter from [REDACTED] [REDACTED] of North Reading, Massachusetts concerning the consolidation of drawback offices. 6(6)

It is 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, keeping me informed of all developments, and sending copies of your findings and views to Roger Lau, in care of my office.

Thank you for your time, consideration and cooperation in this matter.

Sincerely,



John F. Kerry
United States Senator

JFK/rwl

0624546



U.S. Customs Service

1300 Pennsylvania Avenue, N.W. Washington, D.C. 20229

NOV - 8 2002

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

Dear Senator Kerry:

Thank you for your letter of September 6, 2002, on behalf of your constituent, [REDACTED]. [REDACTED] expressed concerns about the proposed closing of the Boston Customs drawback office. Closing of the office was in a notice of proposed rulemaking published in the **Federal Register** on Wednesday, August 21, 2002 (67 FR 54137).

AD
6(6)

All comments received in response to the notice of proposed rulemaking will be considered before Customs makes a final decision on the matter. After review of the comments, a final document will be drafted for Customs and Treasury approval prior to publication in the **Federal Register**. We appreciate your forwarding to us [REDACTED] views, and you can be assured that we will consider [REDACTED] views before a final decision is made.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,


Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

TRADITION

SERVICE

HONOR

JOHN KERRY
MASSACHUSETTS

COMMITTEES:
BANKING, HOUSING AND
URBAN AFFAIRS
COMMERCE, SCIENCE,
AND TRANSPORTATION
FOREIGN RELATIONS
INTELLIGENCE
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510-2102

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

July 16, 2002

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W., Room 6.4-A
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

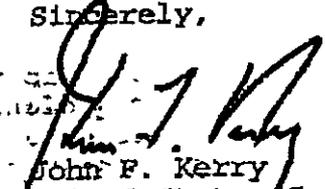
I am forwarding to you a copy of a letter from [redacted] concerning an artificial nose technology that [redacted] has developed. [redacted] would like a contact to see if your office is interested in sponsoring the development of this technology. 16(6)

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



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C 20229

AUG 12 2002

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

Dear Senator Kerry:

Thank you for your letter of July 16, 2002, sent on behalf of your constituent, [REDACTED] of Tufts University. In your correspondence, you requested that the U.S. Customs Service evaluate the artificial nose technology developed by [REDACTED].

Evaluating this type of technology is the responsibility of the Applied Technology Division within the Office of Information and Technology. That office has contacted [REDACTED] and is in the process of making arrangements to meet with [REDACTED] and a member of [REDACTED] staff.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

A handwritten signature in cursive script, appearing to read "Nicole R. Nason".

Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

TRADITION

SERVICE

HONOR

ALL
6(6)

United States Senate

WASHINGTON, DC 20510-2102

July 9, 2002

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W., Room 6.4-A
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

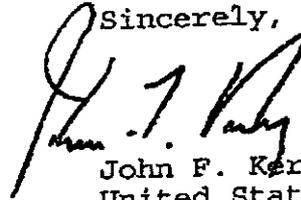
I am forwarding to you a copy of a letter from [REDACTED] concerning his interest with the US Customs Service. b(6)

It is 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, keeping me informed of all developments, and sending copies of your findings and views to Daniel Gross, in care of my office.

Thank you for your time, consideration and cooperation in this matter.

Sincerely,



John F. Kerry
United States Senator

JFK/DJG



U.S. Customs Service

1300 Pennsylvania Avenue, N.W. Washington, D C. 20229

AUG 8 2002

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

Dear Senator Kerry

Thank you for your letter of July 9, 2002, on behalf of your constituent, [REDACTED]. In your correspondence, you asked that we address [REDACTED] interest in obtaining a position with the U.S. Customs Service. Please allow me to outline the situation for you

AB
6(6)

A review of our records indicates that we have received three applications from [REDACTED] for the position of GS-9 Intelligence Research Specialist. Although [REDACTED] met the minimum qualifications for these positions, [REDACTED] was not included in the lists of best qualified candidates who were referred to the selecting official for consideration

[REDACTED] also qualified for two Investigative Assistant positions in Baltimore, Maryland, and Philadelphia, Pennsylvania, and was recently referred on lists of best qualified candidates to the selecting official for consideration for both locations. We will notify [REDACTED] when final selections have been made.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

A handwritten signature in black ink, appearing to read "Nicole R. Nason".

Nicole R Nason
Assistant Commissioner
Office of Congressional Affairs

TRADITION

SERVICE

HONOR

JOHN KERRY
MASSACHUSETTS

COMMITTEES:
COMMERCE, SCIENCE,
AND TRANSPORTATION
FINANCE
FOREIGN RELATIONS
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510-2102

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

June 4, 2002

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W., Room 614-A
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

I am forwarding to you a copy of a letter from [redacted] concerning EdgeScape and EnterpriseSuite.

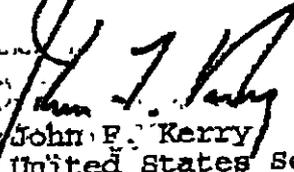
6/6

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



U.S. Customs Service

1300 Pennsylvania Avenue, N.W. Washington, D.C. 20229

DEC 10 2002

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

Dear Senator Kerry.

Thank you for your letter of June 4, 2002, on behalf of your constituent, [REDACTED]. Please accept our apology for the delay in our response. In your correspondence, you asked that we address EdgeScape and EnterpriseSuite, which [REDACTED] has introduced as Akamai's solutions for intelligence agencies seeking to enhance internal communication and collaboration.

ALL
b(6)

The Customs Service has in place the software, hardware, and services necessary to support our mission critical applications. However, we encourage [REDACTED] to monitor the Federal Register which is used by Federal agencies to announce intended procurement opportunities.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

A handwritten signature in black ink, appearing to read "Nicole R. Nason".

Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

TRADITION

SERVICE

HONOR

JOHN KERRY
MASSACHUSETTS

COMMITTEES:
COMMERCE, SCIENCE,
AND TRANSPORTATION
FINANCE
FOREIGN RELATIONS
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510-2102

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

May 22, 2002

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W., Room 6.4-A
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

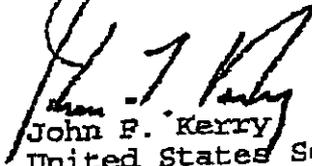
I am forwarding to you a copy of a letter from [REDACTED] concerning eNose.

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



U.S. Customs Service

1300 Pennsylvania Avenue, N.W. Washington, D.C. 20229

May 22, 2002

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

Dear Senator Kerry:

Thank you for your letter of May 22, 2002, on behalf of your constituent, [REDACTED] of ION Signature Technology, Inc. In your correspondence you requested that the U.S. Customs Service evaluate and review the eNose product produced by [REDACTED] company.

ALL
6(6)

Evaluating this type of technology is the responsibility of the Applied Technology Division within the Office of Information and Technology. That office has contacted [REDACTED] and is in the process of making arrangements to meet with representatives of ION Signature Technology, Inc.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

A handwritten signature in black ink, appearing to read "Nicole R. Nason".

Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

TRADITION

SERVICE

HONOR

JOHN KERRY
MASSACHUSETTS

COMMITTEES:
COMMERCE, SCIENCE,
AND TRANSPORTATION
FINANCE
FOREIGN RELATIONS
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510-2102

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

May 22, 2002

Ms. Nicole R. Nason
Assistant Commissioner For Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1300 Pennsylvania Avenue, N.W., Room 644A
Washington, D.C. 20229

Dear Assistant Commissioner Nason:

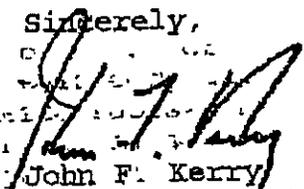
I am forwarding to you a copy of a letter from [redacted] concerning goods purchased in Cuba seized by the U.S. Customs Service. Please note that [redacted] faces a May 24 deadline according to a May 13 letter, which is the second of many enclosures that I am also sending you. | 6(6)

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



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C 20229

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

Dear Senator Kerry:

Thank you for your letter of May 22, 2002, on behalf of your constituents, [redacted] and [redacted]. In your correspondence, you asked that we review your constituents' concerns regarding property belonging to them that was seized by Customs on March 29, 2002, at the Port of Highgate Springs, Vermont, and which they believed would be destroyed on May 24, 2002. We have recently completed our review of this matter. Please allow me to outline our findings.

ALL
6(6)

Our review determined that when [redacted] and [redacted] entered the United States at Highgate Springs they informed the primary officer that they were returning from a week in Canada. When they were specifically asked if they had traveled to Cuba, they said that they had not. During further questioning, however, they admitted that they had traveled to Cuba.

[redacted] and [redacted] claimed that they were unsure of the travel restrictions to Cuba. However, upon searching their luggage, the Customs inspectors found Department of the Treasury and Office of Foreign Assets Control (OFAC) information sheets regarding travel to Cuba. The inspectors subsequently seized numerous items of Cuban origin under Title 19, United States Code 1595a(c) for attempting to introduce merchandise into the United States contrary to law, and in violation of the Trading With the Enemy Act (31 CFR, Part 500 and Title 50, United States Code, Appendix 5).

TRADITION

In [redacted] petition, [redacted] stated that [redacted] and [redacted] were traveling under a "general license" to Cuba, where they conducted "professional research." [redacted] description of their activities while in Cuba, however, does not fit the description of "professional research" as defined in 31 CFR 515.564. If [redacted] and [redacted] were traveling for educational purposes, they would need a "specific" license from OFAC. They did not present a specific license at the time of seizure; and, as of this date, they have not submitted one.

SERVICE

HONOR

ADD
6(6)

Subsequently, [REDACTED] has filed a supplemental petition; and as we informed your office, the merchandise was not destroyed. In accordance with Customs regulations, the supplemental petition was forwarded to the National Seizures and Penalties Officer (NSPO) for an independent review and decision. The disposition of [REDACTED] and [REDACTED] property will be held in abeyance until the NSPO has made his/her decision. The NSPO has 90 days from the date of receipt of the supplemental petition to render a decision. Customs will notify [REDACTED] in writing once a decision is made on [REDACTED] supplemental petition.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,



Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

United States Senate
WASHINGTON, DC 20510-2102

April 16, 2002

Mr. William Lawrence
Director, Office of Congressional Affairs
U.S. Customs Service
U.S. Department of the Treasury
1301 Constitution Avenue, N.W., Room 2210
Washington, D.C. 20229

Dear Mr. Lawrence:

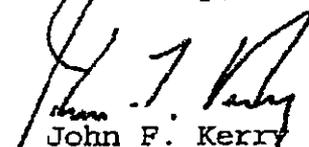
I am forwarding to you a copy of a letter from [REDACTED] concerning [REDACTED] employment issue. 16(6)

It is 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, keeping me informed of all developments, and sending copies of your findings and views to Daniel Gross, in care of my office.

Thank you for your time, consideration and cooperation in this matter.

Sincerely,


John F. Kerry
United States Senator

JFK/DJG



U.S. Customs Service

1300 Pennsylvania Avenue, N.W. Washington, D.C. 20229

May 17, 2002

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

Dear Senator Kerry:

Thank you for your letter of April 16, 2002, on behalf of your constituent, [REDACTED]. In your letter, you asked that we address [REDACTED] concerns regarding the status of [REDACTED] application for a position with the U.S. Customs Service. | 6(6)

My staff is continuing to look into this matter, and I will be back in touch with you as soon as possible. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

A handwritten signature in cursive script, appearing to read "Nicole R. Nason".

Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

TRADITION

SERVICE

HONOR



U.S. Customs Service

1300 Pennsylvania Avenue, N.W. Washington, D.C. 20229

June 10, 2002

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

Dear Senator Kerry:

Thank you for your letter of April 16, 2002, on behalf of your constituent, [REDACTED]. In your correspondence, you asked that we address [REDACTED] concerns regarding the status of [REDACTED] application for a position with the U.S. Customs Service. Please allow me to outline the situation for you.

Our nationwide Quality Recruitment effort is conducted with assistance from the Office of Personnel Management (OPM). The OPM receives the applications and administers the required tests for Customs. They have advised us that [REDACTED] applied for a GS-5/7 Customs Inspector position under Vacancy Announcement CH131060. Provided [REDACTED] has taken the required examination, the OPM will contact [REDACTED] with [REDACTED] test results, along with an update on the status of [REDACTED] application.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

A handwritten signature in black ink, appearing to read "Nicole R. Nason".

Nicole R. Nason
Assistant Commissioner
Office of Congressional Affairs

TRADITION

SERVICE

HONOR

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6/6