

United States Senate

WASHINGTON, DC 20510-2102

April 9, 2002

Dear Friend:

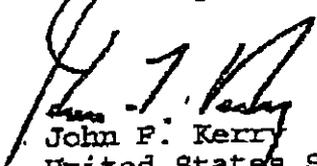
I am forwarding to you a copy of a letter from [REDACTED] concerning his employment issue. b(6)

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
202-927-2001 Fax 202-927-1380

Commissioner of Customs

May 2, 2002

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

Dear Senator Kerry

Thank you for your letter of April 9, 2002, on behalf of your constituent, [REDACTED]. In your correspondence, you asked for a review of the events surrounding [REDACTED] being transferred within the U.S. Customs Service from El Paso, Texas, to Boston, Massachusetts. We recently completed our investigation. Please allow me to outline the situation for you.

AD
6(6)

In 1998, the Customs Service implemented a minimum tour of duty policy. All Office of Investigations Special Agents are now required to complete a minimum of 3 years at their initial post of duty, prior to being eligible for reassignment to another duty location. [REDACTED] was appointed as an agent on April 17, 2000, and was assigned to El Paso, Texas. The Special Agent in Charge (SAIC), El Paso, Texas, is aware of [REDACTED] desire to be reassigned to the Boston area. Unfortunately, we must adhere to our policy, and this information has been relayed to [REDACTED] by the SAIC

In recognition of the hardships associated with working at the border and hard to fill locations, the Customs Service implemented the Fiscal Year 2000 Agent Rotation Program. Agents assigned to covered locations; i.e., the Southwest Border, Puerto Rico, the Virgin Islands, and Guam are eligible for rotation once they complete a minimum 3-year tour of duty at their original duty location. As opportunities arise, rotations are announced, and eligible agents may apply for geographical locations of their choice. Selections, many of which include paid moves, are made based on seniority and where anticipated or actual vacancies exist. [REDACTED] will be eligible for this program upon completion of the mandatory tour of duty.

At this time, we cannot approve a reassignment for [REDACTED]. To allow one employee an opportunity to reassign, prior to completing the mandatory 3-year assignment, would invalidate our existing policies and procedures

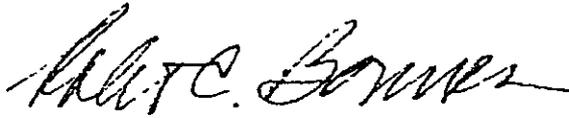
TRADITION

SERVICE

HONOR

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 "Robert C. Bonner".

Robert C. Bonner
Commissioner

United States Senate

WASHINGTON, DC 20510-2102

February 22, 2002

Commissioner Robert C. Bonner
United States Customs Headquarters
1300 Pennsylvania Ave, NW
Room # 4 4A
Washington, DC 20229

Dear Commissioner Bonner:

I am writing on behalf of the Massachusetts Port Authority (Massport) and its pilot programs designed to evaluate innovative technologies that have security applications. Massport has begun to deploy new, state-of-the-art security enhancements at Logan International Airport in Boston, and its efforts include testing biometrics and document authentication related technologies to determine their applicability and usefulness. In this regard, Massport has chosen to develop a pilot program to test BorderGuard technology, designed by Imaging Automation, a New Hampshire company.

BorderGuard technology automatically and rapidly scans, analyzes, authenticates and processes all types of travel and identity documents. Massport envisions a test that deploys BorderGuard technology to authenticate passports presented for departure at the international security checkpoint and one airline.

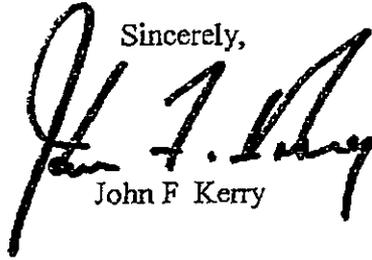
Additionally, Massport would like to include the Customs Service in its pilot program as there are obvious potential applications for the Customs Service as well as INS for incoming passengers. I have written Commissioner Ziglar of the INS requesting that agency's full participation in the Massport pilot and Immigration and Nationalization Service has expressed interest in doing so. I respectfully ask for your leadership in joining this most important exercise at Logan.

As you know, none of the technology that can and will be deployed at our borders will work as intended without interagency cooperation. Given the large number of international flights, the highly-visible Customs presence at Logan, and the Customs Service's long record of interaction with other law enforcement agencies, especially INS, I would urge the U.S. Customs Service to participate in these technology trials. In this way, the security technology needs of the Customs Service, INS, Logan Airport and the airlines can be measured concurrently, shortening the time for the potential deployment of these promising technologies as well fostering the kind of interagency cooperation necessary to address the critical changes needed in our nation's security systems.

2/22/02

Thank you very much for your consideration of this important initiative

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Kerry". The signature is fluid and cursive, with the first name "John" being the most prominent.

John F Kerry



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C 20229
202-927-2001 Fax 202-927-1380

Commissioner of Customs

April 12, 2002

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

Dear Senator Kerry:

Thank you for your letter of February 22, 2002. In your correspondence, you requested, on behalf of the Massachusetts Port Authority (Massport), that Customs cooperate in an interagency pilot program to test BorderGuard technology which is designed by the Imaging Automation company. Please allow me to address your request.

Massport's commitment to law enforcement innovation is highly commendable. National security can be enhanced by this type of effort. Customs believes that pilot testing of this type of technology is needed.

Customs is interested in Massport's offer and we would like to review their detailed proposal. Please ask them to send this proposal to Mr. Robert Jacksta, Executive Director, Passenger Programs, at 1300 Pennsylvania Avenue, N.W., Room 5.4D, Washington, D.C. 20229.

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 that reads "Robert C. Bonner".

Robert C Bonner
Commissioner

TRADITION

SERVICE

HONOR

United States Senate

WASHINGTON, DC 20510-2102

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

February 21, 2002

Mr. Richard F. Quinn
Acting Assistant Commissioner, Office of 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 Mr. Quinn:

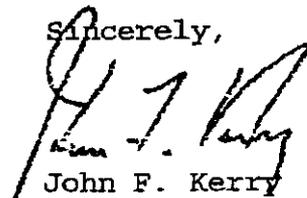
I am forwarding to you a copy of a letter from [REDACTED] of Andover, Massachusetts concerning [REDACTED] request for assistance. 16(b)

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
202-927-2001 Fax 202-927-1380

Commissioner of Customs

April 19, 2002

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

Dear Senator Kerry:

Thank you for your letter of February 21, 2002, on behalf of your constituent, [REDACTED], of Andover, Massachusetts. In your correspondence, you requested that we investigate [REDACTED] claim that U.S. Customs removed \$400 from a FedEx envelope that [REDACTED] sent to [REDACTED] mother in Aleppo, Syria. We have recently completed our investigation of this matter. Please allow me to outline our findings.

*App
6(6)*

Although the FedEx tracking number confirms the routing and delivery of [REDACTED] envelope, we were not able to determine the contents of the envelope. Although [REDACTED] stated that there was a Customs sticker on the envelope, there is no record of the envelope ever being examined by U.S. Customs.

The U.S. Customs Service takes allegations of employee misconduct very seriously and has implemented several program reforms to promote fairness and consistency in handling such matters. Accordingly, the information provided in [REDACTED] correspondence has been assigned to a specially trained group of investigative analysts for their review. Upon the completion of a thorough review, the group will determine the best course for addressing this matter.

I appreciate your interest in the Customs Service. If we may offer any 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.

TRADITION

Yours truly,

SERVICE

HONOR

Robert C. Bonner
Commissioner

United States Senate

WASHINGTON, DC 20510-2102

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

February 4, 2002

Mr. Richard F. Quinn
Acting Assistant Commissioner, Office of 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 Mr. Quinn:

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

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 this correspondence.

Please forward a copy of your findings to Mark S. Sterman 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
202-927-2001 Fax 202-927-1380

March 14, 2002

Commissioner of Customs

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

Dear Senator Kerry:

Thank you for your letter of February 4, 2002, sent on behalf of your constituent, [REDACTED] of Maptech, Inc. In your correspondence you requested that the U.S. Customs Service evaluate and review the digital maps and charts produced by [REDACTED] company.

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 Maptech, Inc.

I appreciate your interest in the U.S. Customs Service. If I can 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,

Robert C. Bonner
Commissioner

TRADITION

SERVICE

HONOR

ADD
b(6)

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

December 13, 2001

Mr. Richard F. Quinn
Acting Assistant Commissioner, Office of 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 Mr. Quinn:

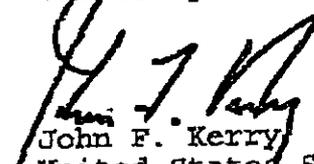
I am forwarding to you a copy of a letter from [REDACTED] concerning [REDACTED] unpleasant experience with an official from the U.S. Customs Service. | 6(6)

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
202-927-2001 Fax 202-927-1380

Commissioner of Customs

January 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 December 13, 2001, on behalf of your constituent, [REDACTED]. In your correspondence, you asked that we review [REDACTED] concerns regarding [REDACTED] Customs processing at John F. Kennedy International Airport, New York, on November 20, 2001. We have recently completed our review of this matter. Please allow me to outline our findings.

*ALL
b(6)*

First, permit me to apologize for any rude or unprofessional behavior that [REDACTED] experienced during [REDACTED] processing. Speaking with travelers and examining merchandise entering or leaving the United States are some of the ways we look for illegal or prohibited items. Unless exempt by diplomatic status, all travelers entering the United States, including U.S. citizens, are requested to participate in routine Customs processing. However, with this authority, Customs expects all of its officers to conduct their duties in a professional manner and to treat each traveler respectfully.

[REDACTED] stated in [REDACTED] letter that [REDACTED] purchased a carpet for \$3,500 in Egypt and was expecting to pay a reduced duty or no duty. When the examining inspector charged [REDACTED] duty on the carpet, she sought clarification from the Customs supervisor [REDACTED] stated that she felt mistreated by the Customs supervisor

TRADITION

SERVICE

HONOR

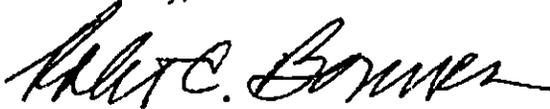
Let me assure you that Customs takes allegations of employee misconduct very seriously and has instituted policy pertaining to abuses of authority. Complaints of unprofessional behavior are recorded and investigated and disciplinary action is taken against Customs officers that are found to have violated policy. If we confirm employee misconduct, we will take firm and appropriate action to correct the situation. However, the Privacy Act prevents Customs from disclosing information on the nature of any discipline taken against the employee as a result of the allegation.

AP
6(6)

I understand that a member of my staff, [REDACTED], contacted [REDACTED] on January 3, 2002, to discuss [REDACTED] Customs processing as well as the calculation of the duty paid by [REDACTED]. [REDACTED] again stated that she had no problems with the examining inspectors and understood the Customs process. [REDACTED] main concern was the rude and unprofessional behavior by the supervisor. [REDACTED] reiterated to [REDACTED] that the allegations were being investigated.

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,



Robert C. Bonner
Commissioner

United States Senate

WASHINGTON, DC 20510-2102

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

November 8, 2001

Mr. Richard Quinn
Acting Assistant Commissioner
Office of Congressional Affairs
U.S. Customs Service
1300 Pennsylvania Avenue, N.W., Room 6.4-a
Washington, D.C. 20229

Dear Mr. Quinn:

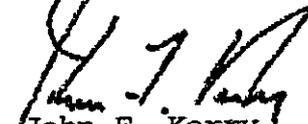
I am forwarding to you a copy of a letter from [REDACTED] concerning [REDACTED] employment issue. 6/6

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

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
202-927-2001 Fax 202-927-1380

Commissioner of Customs

February 11, 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 8, 2001, on behalf of your constituent, [REDACTED]. In your correspondence, you asked that we review statements contained in [REDACTED] letter regarding [REDACTED] suitability for a Customs Inspector position. Please allow me to outline our findings for you.

*All
b(6)*

On August 16, 2001, a Notice of Proposed Action letter was sent to [REDACTED] outlining issues developed during [REDACTED] background investigation. The letter offered [REDACTED] the opportunity to make any comment or explanation that [REDACTED] may wish to offer for consideration by this Agency. On September 6, 2001, [REDACTED] submitted a response to our letter.

After careful review of [REDACTED] Background Investigation and [REDACTED] response to the various issues, we found [REDACTED] "unsuitable" for the position of Customs Inspector on September 18, 2001. [REDACTED] will be officially notified, in writing, concerning the "unsuitable" determination by the Office of Human Resources Management. At that time [REDACTED] will be provided a Merit Systems Protection Board (MSPB) "Appeal Procedures" package and advised that [REDACTED] has 30 days to file an appeal with the MSPB.

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,

Robert C. Bonner
Commissioner

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

October 17, 2001

Mr. Richard F. Quinn
Acting Assistant Commissioner, Office of 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 Mr. Quinn:

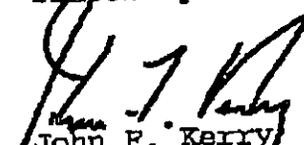
I am forwarding to you a copy of a letter from [REDACTED] concerning security issues in Toronto. 6(6)

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

PLEASE RESPOND TO:

304 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-2742

ONE BOWDOIN SQUARE
BOSTON, MA 02114
(617) 565-8519

222 MILLIKEN PLACE
SUITE 311
FALL RIVER, MA 02722
(508) 677-0522

ONE FINANCIAL PLAZA
SPRINGFIELD, MA 01103
(413) 785-4810

90 MADISON PLACE
SUITE 205
WORCESTER, MA 01608
(508) 851-7280

email: john.kerry@senate.gov
www: http://www.senate.gov/kerry/

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U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C 20229
202-927-2001 Fax 202-927-1380

November 29, 2001

Commissioner of Customs

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

Dear Senator Kerry:

Thank you for your letter of October 17, 2001, on behalf of your constituent, [REDACTED], a U.S. Immigration and Naturalization Service (INS) inspector stationed at our Preclearance facility in Toronto, Ontario, Canada. In your correspondence, you asked that we respond to your constituent's concerns regarding security at the Lester B. Pearson International Airport in light of our recent national tragedy. Please allow me to address your constituent's concerns.

b(6)

Immediately following the attacks of September 11, 2001, officials at the seven airports in Canada, which preclear passengers destined for the United States, were requested to provide an armed Canadian law enforcement presence in support of our operation. With the assistance of Ambassador Paul Cellucci in Ottawa, this request was met and is continuing today.

Passengers are not permitted to leave the Federal Inspection Area after they have completed federal formalities and have surrendered their luggage to the carrier. Airport security personnel prohibit their exit and direct them to the appropriate air carrier representative. If the carrier agrees, and the passenger is permitted to leave the area, their checked luggage is retrieved from the baggage system and returned to the passenger. It is only at this point that the passenger may depart the area under escort by a representative from the airline

In recent weeks, representatives from the State Department's Regional Security office, assigned to the Consulate General in Toronto, visited with Customs and INS employees to review and discuss personal safety measures in light of the recent events. On October 1, 2001, Transport Canada, Canada's equivalent to the Federal Aviation Administration, also implemented enhanced security measures at airports across Canada. The measures addressed the security of persons, carry-on baggage, and checked luggage

TRADITION

SERVICE

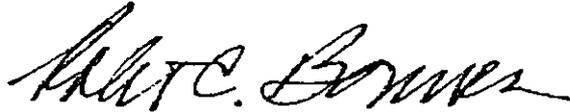
HONOR

I understand that a member of my staff, [REDACTED], spoke by telephone on October 25, 2001, with [REDACTED] of your Boston staff. [REDACTED] indicated that your office had also forwarded a copy of [REDACTED] letter to the INS for that agency's response.

ALL
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,



Robert C. Bonner
Commissioner

United States Senate

WASHINGTON, DC 20510-2102

October 9, 2001

The Honorable Robert C. Bonner
Commissioner
U.S. Customs Bureau
1300 Pennsylvania Avenue, NW
Washington, DC 20229

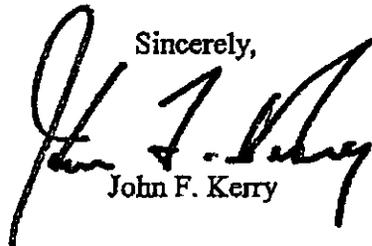
Dear Commissioner Bonner:

I am forwarding to you correspondence sent to the Director of Field Operations in San Juan, Puerto Rico, from Boston Harbor Cruises (BHC). BHC hopes to begin weekend fast-ferry service between the U.S. Virgin Islands and Fajardo, Puerto Rico this fall. However, the company has been informed that Customs officials are not available in Fajardo during the weekends.

BHC has proposed having passengers bound for Puerto Rico clear customs at the Gallows Bay terminal in St. Croix and the Blyden terminal in St. Thomas. The Customs Bureau maintains full-time operations in both of those ports. It is my understanding that ferry passengers will not be able to conduct commerce on the high seas while en route, thereby eliminating the need for passengers who clear Customs on exit from the Virgin Islands to pass through Customs again in Fajardo. I believe that this solution may be a sensible way of managing your agency's limited manpower resources in Puerto Rico.

Thank you for your prompt attention to this matter. I look forward to hearing from you.

Sincerely,



John F. Kerry

PLEASE RESPOND TO

304 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-2742

ONE BOWDOIN SQUARE
BOSTON, MA 02114
(617) 565-8519

222 MILLIKEN PLACE
SUITE 311
FALL RIVER, MA 02722
(508) 677-0522

ONE FINANCIAL PLAZA
SPRINGFIELD, MA 01103
(413) 785-4610

80 MADISON PLACE
SUITE 205
WORCESTER, MA 01608
(508) 831-7380

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

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Handwritten notes: CTR 4/2/9/2/1/11 6/2



U.S. Customs Service

1300 Pennsylvania Avenue, N.W. Washington, D.C. 20229
202-927-2001 Fax 202-927-1380

November 5, 2001

Commissioner of Customs

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

Dear Senator Kerry:

Thank you for your letter of October 9, 2001, on behalf of your constituent, [REDACTED], Director of Operations for Boston Harbor Cruises (BHC). In your correspondence, you asked that we respond to BHC plans to begin weekend fast-ferry service between the U.S. Virgin Islands (USVI) and Fajardo, Puerto Rico. We have completed our review of this matter. Please allow me to outline our findings.

*APP
6(6)*

Customs Director of Field Operations at the Caribbean Customs Management Center, and other agency officials, met with [REDACTED] on September 27, 2001, to discuss [REDACTED] plans for the ferry. The Port of Fajardo has sufficient staff to provide the services requested by BHC and a commitment was made by local managers to allocate the necessary resources needed to support the BHC's ferry operations. Enclosed is a copy of a letter to Customs from [REDACTED], dated October 1, 2001, commenting on the meeting.

Your letter mentioned that BHC requested clearance services be provided in the USVI rather than at the Port of Fajardo. Customs does provide for "preclearance" operations at selected airports outside the continental United States, but this regulation applies only to aircraft and does not include ferryboats.

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.

TRADITION

Yours truly,

SERVICE

Robert C. Bonner
Commissioner

HONOR

Enclosure

Ofo
cc: CWD
ca

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 8, 2001

Mr. Richard Quinn
Acting Assistant Commissioner
Office of Congressional Affairs
U.S. Customs Service
1300 Pennsylvania Avenue, N.W., Room 6.4-a
Washington, D.C. 20229

Dear Mr. Quinn:

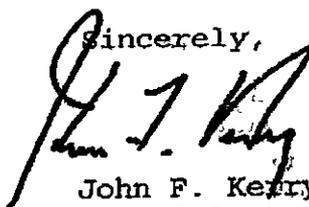
I am forwarding to you a copy of a letter from [REDACTED] of New Bedford, Massachusetts concerning a customs matter. b(6)

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, 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

0102332



U.S. Customs Service

1300 Pennsylvania Avenue, N.W. Washington, D.C. 20229
202-927-2001 Fax 202-927-1380

July 25, 2001

Commissioner of Customs

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

Dear Senator Kerry:

Thank you for your letter of June 8, 2001, on behalf of your constituent, [REDACTED]. In your correspondence, you requested assistance regarding the 100 percent duty that has been applied to [REDACTED] shipment of posters. We have recently completed our review of this matter. Please allow me to outline our findings.

*ALL
b(6)*

While we can sympathize with your constituent's concerns, the duty rates on imported goods are provided for in the Harmonized Tariff Schedule of the United States (HTSUS). The General Rules of Interpretation govern the classification of the goods in the tariff schedule. These are legal principles applied on the classification of merchandise. The U.S. Customs Service adheres to all of these legal principles when determining the classification for a specific imported good.

If [REDACTED] transaction is completed and the entry has been liquidated, [REDACTED] best recourse is to file a protest (CF-19). A protest is the legal appeal of the dutiable status on imported goods. Liquidation is the point at which the rate and amount of duty becomes final for most purposes. All protests must be filed within 90 days after liquidation to the Customs port in which the shipment was originally cleared. The protest needs to include all pertinent information on the entries involved, including copies of the original entry documents and a detailed explanation of the requested adjustment or refund. If the protest is denied, he also has the right to file a summons with the U.S. Court of International Trade within 180 days after denial of the original protest.

TRADITION

To assure a smoother entry process for future shipments, I would suggest [REDACTED] request a binding ruling. A binding ruling can identify the proper HTSUS classification and applicable duty rates for imported merchandise. In order to obtain information about the program, [REDACTED] can view our web site, at <http://www.customs.gov/impexpo/impexpo.htm>, click on "Importing into the United States," Section 13, "Dutiable Status of

SERVICE

HONOR

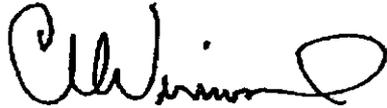
APR
6(6)

Goods." After the appropriate documentation is submitted to Customs, a national import specialist evaluates the request and prepares a response. The national import specialist can provide a binding tariff classification ruling for your product that is binding at all U.S. ports unless revoked by the Office of Regulations and Rulings.

After taking the aforementioned steps, if [REDACTED] still feels the duty rates are unfair and [REDACTED] wishes to express [REDACTED] concerns regarding the duty rates of posters, I would encourage [REDACTED] to contact the Office of the U.S. Trade Representative, 600 17th Street N.W., Washington, D.C. 20508, visit their web site at www.ustr.gov, or call 1-888-473-8787.

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,



Charles W. Winwood
Acting Commissioner

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

April 5, 2001

Mr. Charles W. Winwood
Acting Commissioner
U.S. Customs Service
1300 Pennsylvania Avenue, N.W.
Washington, D.C., 20229

Dear Commissioner Winwood:

I am writing to request that you look into an important matter regarding [REDACTED], one of my constituents from Marshfield, Massachusetts.

APR 6(6)

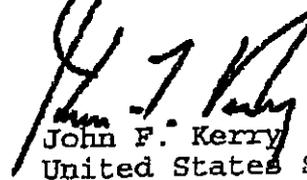
[REDACTED] 26 year career for the U.S. Customs Service has been one of distinction and has received many accolades and commendations for exemplary service. Throughout [REDACTED] career [REDACTED] rose through the ranks to eventually become the Special Agent in Charge of the Narcotic Smuggling Investigations Office in Boston, Massachusetts. [REDACTED] record of accomplishment, and leadership is to be commended.

[REDACTED] recently received a letter from the U.S. Customs Service to inform [REDACTED] that [REDACTED] had been reassigned to a post in Washington D.C. If [REDACTED] does not accept the post, [REDACTED] has the option of taking an early retirement. [REDACTED] will qualify for early retirement later on this month, however, [REDACTED] is not up for mandatory retirement for another seven years.

[REDACTED] has numerous personal responsibilities which would impede [REDACTED] from either alternative. [REDACTED] is the primary caregiver for [REDACTED] father, who is afflicted with Alzheimer's disease as well as other complications. Due to [REDACTED] father's medical condition, [REDACTED] is also the executor of [REDACTED] estate. These duties effectively impede [REDACTED] from accepting the reassignment to Washington. In addition, [REDACTED] has two children already in college and a third expected to enroll in 2002. Although [REDACTED] has been offered the alternative of an early retirement, the burden of financing the college education of three children would make that option impossible.

Due to [REDACTED] family and financial situation, I ask
that you reconsider the decision to transfer [REDACTED] to Washington.
Thank you for your attention regarding this matter. You may
contact me in my Boston office at (617) 565-8519. | b(6)

Sincerely,



John F. Kerry

United States Senator

JFK/RL



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C 20229
202-927-2001 Fax 202-927-1380

June 12, 2001

Commissioner of Customs

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

Dear Senator Kerry:

Thank you for your letter of April 15, 2001, on behalf of your constituent, [REDACTED]. In your correspondence, you requested a review of the reassignment of [REDACTED] to Headquarters. I appreciate hearing from you and sympathize with the fact that the relocation of [REDACTED] may be difficult for [REDACTED] family at this time. However, it would not be in the interest of the Customs Service to reconsider his reassignment.

APP
6(6)

[REDACTED] has served [REDACTED] entire career as a special agent with the Office of the Special Agent in Charge, Boston, Massachusetts, which [REDACTED] joined in May 1983. As a special agent, [REDACTED] has agreed to serve according to the needs of the Service. Unfortunately, this sometimes means that an agent must relocate. Agents' duties and responsibilities at Headquarters are quite different, though equally as important as those of field agents.

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,


Charles W. Winwood
Acting Commissioner

TRADITION

SERVICE

HONOR

[Handwritten initials] CE' OCA
Rude

United States Senate

WASHINGTON, DC 20510

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

January 3, 2001

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:

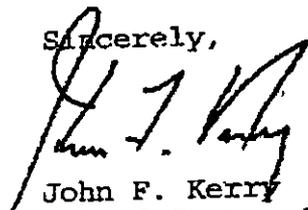
I am forwarding to you a copy of a letter from [redacted] concerning [redacted] companies efforts to conduct business with private citizens in Iran. 166

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 Thomas L. Weber of my Boston office.

I thank you for your cooperation in this matter.

Sincerely,



John F. Kerry
United States Senator

JFK/tlw

[Handwritten notes]



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C 20229
202-927-2001 Fax 202-927-1380

Commissioner of Customs

March 5, 2001

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

Dear Senator Kerry:

Thank you for your letter of January 3, 2001, on behalf of your constituent, [REDACTED] owner of Ted Box Limited. In your correspondence, you asked for assistance in resolving the exportation of the artwork manufactured by Ted Box Limited to Iran. We have recently completed our review of this matter. Please allow me to outline our findings.

*AG
b(6)*

As you know, the Iranian Sanctions Program, Executive Orders 13059, 12959, and 12957 has severely limited all trade with Iran. The Office of Foreign Assets Control (OFAC), part of the Department of the Treasury, administers the embargo of Iranian goods, and the U.S. Customs Service enforces these sanctions at all ports of entry.

There are certain general licenses relating to small gifts, accompanied baggage, and household and personal effects that are allowed; however, as an exporter, [REDACTED] requires more specific direction. Therefore, we have sent your letter with that of [REDACTED] to [REDACTED], OFAC, U.S. Department of the Treasury Annex, 1500 Pennsylvania Avenue, N.W., Washington, D C. 20220, at (202) 622-2604. That office will respond directly to your request.

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,

Charles W Winwood
Acting Commissioner

TRADITION

SERVICE

HONOR

United States Senate

WASHINGTON, DC 20510-2102

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

December 8, 2000

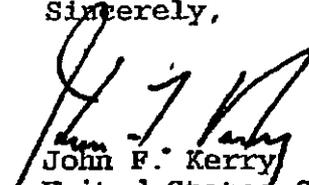
Ms. Gloria Bryant
Director, Office of Congressional Affairs
U.S. Customs Service
1301 Constitution Avenue, N.W.
Room 2210
Washington, D.C. 20229

Dear Ms. Bryant:

I am forwarding to you a letter from [redacted] and [redacted] of Somerville, Massachusetts regarding some difficulties they have experienced with the U.S. Customs Service. Their docket number is: CN20005206000602. 16(6)

It is the desire of this office to be helpful and responsive to all inquiries received by this office. Any assistance you may be able to extend to them would be greatly appreciated. It would be appreciated if you would forward a copy of your findings to my Staff Assistant, Roger W. Lau of my Boston office.

Sincerely,


John F. Kerry
United States Senator

JFK/RL

PLEASE RESPOND TO:

304 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-2742

ONE BOWDOIN SQUARE
- BOSTON, MA 02114
(617) 565-8519

222 MILLIKEN PLACE
SUITE 311
FALL RIVER, MA 02722
(508) 677-0522

ONE FINANCIAL PLAZA
SPRINGFIELD, MA 01103
(413) 785-4610

90 MADISON PLACE
SUITE 205
WORCESTER, MA 01608
(508) 831-7360

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

PRINTED ON RECYCLED PAPER

0005622



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C. 20229
202-927-2001 Fax 202-927-1380

March 6, 2001

Commissioner of Customs

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

Dear Senator Kerry.

Thank you for your correspondence of December 8, 2000, on behalf of your constituents, [redacted] and [redacted], of Affordable Business Services, Inc. In your correspondence, you asked that Customs review the difficulties they are experiencing regarding their money which was seized from their friend, [redacted], at Miami International Airport on April 21, 2000. We have recently completed our review. Please allow me to outline our findings.

*AR
6(6)*

There is no limit in terms of total amount of monetary instruments which may be brought into or taken out of the United States, nor is it illegal to do so. However, if you transport or cause to be transported (including by mail or other means) more than \$10,000 in currency or negotiable instruments on any occasion into or out of the United States, or if you receive more than that amount, you must file a report (Customs Form 4790) with the U.S. Customs Service (Currency & Foreign Transactions Reporting Act, 31 U.S.C. 5311, et seq.) This can be done at any port of entry or departure. Failure to comply can result in civil or criminal penalties. For reporting purposes, monetary instruments include, but are not limited to, U.S. or foreign coin in current circulation, currency, traveler's checks in any form, money orders, and negotiable instruments or investment securities in bearer form

[redacted] failed to properly report [redacted] total currency; and, therefore, it was seized for violation of Title 31, U.S.C. section 5316/5317.

[redacted] was informed of the reporting requirements and asked if [redacted] wished to amend [redacted] statement. According to the letter sent to you by [redacted] and [redacted], the majority of the money [redacted] was transporting was for their business and for friends in Haiti. Unfortunately, [redacted] was still required to report it. The total amount seized from [redacted] was \$88,362.

TRADITION

SERVICE

HONOR

ADP
b(6)

A petition was filed by Attorney [REDACTED] on behalf of [REDACTED] on May 21, 2000. Attached is a copy of the decision letter, dated January 9, 2001, denying the petition. Administrative forfeiture actions will commence on or about February 20, 2001

If [REDACTED] or [REDACTED] have any additional questions or problems concerning this case, they can call [REDACTED] of the Miami Fines, Penalties, and Forfeiture Staff at [REDACTED]; or write to Miami Fines, Penalties, and Forfeiture Officer, P O. Box 52-2207, Miami, Florida 33152-2207

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,



Charles W. Winwood
Acting Commissioner

Enclosure

United States Senate

WASHINGTON, DC 20510-2102

June 29, 2000

ORE
BANK
CC: Kelly
CD

The Honorable Raymond Kelly
Commissioner
U.S. Customs Service
1300 Pennsylvania Ave., NW
Washington, DC 20229

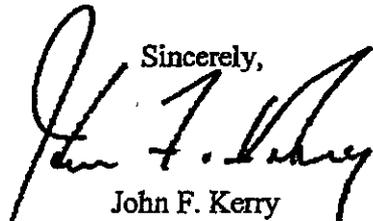
Dear Commissioner Kelly:

I am writing to you regarding the classification of movie posters produced in foreign countries under the Harmonized Tariff Schedule (HTS). These goods are currently classified as merchandise produced by lithographic offset (HTS 4911 91.2020), as are reproductions of artwork and photographs. Movie posters are inherently different from artwork or photograph reproductions since they are advertising materials used to market products in other countries.

This discrepancy was brought to my attention by a constituent of mine, [redacted] of Cambridge, Massachusetts, who sells both domestic and imported movie posters. Nationwide, there are several hundred businesses like [redacted]. I believe that a review of merchandise classified under HTS 4911.91.2020 could be beneficial to these businesses, which believe that their products differ significantly from artwork or photographic reproductions.

b(6)

I hope that you will give this product your full consideration, and I look forward to your reply.

Sincerely,

John F. Kerry
United States Senate

cc. Stuart Seidel, Associate Commissioner for Regulations and Rulings
Joseph Reese, Trade Ombudsman

2000-2109



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C. 20229
202-927-2001 Fax 202-927-1380

August 28, 2000

Commissioner of Customs

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

Dear Senator Kerry:

Thank you for your letter of June 29, 2000, on behalf of your constituent [REDACTED]. In your correspondence, you asked us to review the classification of movie posters under the Harmonized Tariff Schedule of the United States (HTSUS). We have recently completed our review. Please allow me to outline our findings.

*All
6(6)*

You state in your letter that although movie posters are used to market products in other countries and are inherently different from artwork or photograph reproductions, [REDACTED] pointed out to you that Customs classifies all these articles under the same tariff provision, subheading 4911.91 2020, HTSUS.

Heading 4911, HTSUS provides for other printed matter, including printed pictures and photographs. This heading includes pictures and photographs printed by lithography, including offset lithography. I am enclosing a copy of a recent ruling we issued which explains why printed reproductions of oil paintings and/or photographs are classified in subheading 4911 91.2020, HTSUS.

As to the classification of the movie posters in subheading 4911.91.2020, HTSUS, we cannot tell you with certainty that they are, in fact, classifiable in that provision because we do not have sufficient information about the merchandise. However, we will gladly review the classification of [REDACTED] posters if [REDACTED] will send us a complete description of the manufacturing process and a sample.

Merchandise entered under subheading 4911.91.20, HTSUS, is currently on the list of products subject to increased duties (100 percent in this case) as a result of the European Communities not complying with dispute settlement rulings in the World Trade Organization (WTO) *Banana* case. The merchandise is under review by the Office of the United States Trade Representative to determine if it should remain on

TRADITION

SERVICE

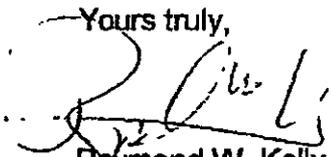
HONOR

6(b)

the list and/or if it should be subject to higher duties [REDACTED] may want to look at the Federal Register Notice dated May 31, 2000, concerning the review of the list. It is available on the United States Trade Representative web site (www.ustr.gov).

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. L. Seth Statler, Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,



Raymond W. Kelly
Commissioner

Enclosure

United States Senate

WASHINGTON, DC 20510-2102

One Bowdoin Square
Tenth Floor
Boston, MA 02114-2969
(617) 565-8519
June 14, 2000

U.S. Customs Service
Office of Congressional Affairs
1300 Pennsylvania Avenue
6.4A
Washington, D.C. 20229

To Whom it May Concern:

I am forwarding to you a letter received by Senator Kerry's Boston office from [REDACTED] who is seeking redress regarding a grievance involving a warehouse storage fee. b(6)

As the request is outside of the realm of Senator Kerry's jurisdiction, I would appreciate your looking into this matter and sending this office a copy of your findings and views to the above listed address.

I would also appreciate your office confirming receipt of the enclosed at (617) 565-8519. Thank you for your cooperation in this matter.

Sincerely,



Benedict G. Dobbs
Assistant to Senator John Kerry

JK/bgd



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C 20229
202-927-2001 Fax 202-927-1380

September 11, 2000

Commissioner of Customs

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

Dear Senator Kerry:

Thank you for your letter of June 14, 2000, on behalf of your constituent, [REDACTED]. In your correspondence, you requested we address a grievance concerning warehouse storage fees incurred by [REDACTED]. We have recently completed our review. Please allow me to outline our findings.

*All
6(6)*

[REDACTED] shipment left Australia on January 8, 2000, and arrived at Newark, New Jersey, on February 1, 2000, in a Rose Container Line consolidated cargo container. Rose Container Line then sent the shipment to Boston Freight Terminal (BFT), where it arrived on February 10, 2000. On February 22, 2000, the BFT informed Rose Container Line, in writing, that [REDACTED] cargo (reference number: 406324273) would be transferred to a General Order (G.O.) warehouse on February 25, 2000, if the appropriate entry documents were not presented.

The consignee ([REDACTED] or [REDACTED] agent, Phoenix International) had 15 days from the shipment's arrival date to provide the appropriate entry documents until it had to be moved into the G.O. warehouse. Since no entry was made on the goods by February 25, 2000, the cargo was moved to the warehouse, managed by Coastal, Inc. (G.O. warehouse number: 01016). Records indicate that all goods contained in the Rose Container Line's consolidated shipment container were released, except for [REDACTED] shipment (154 pounds of cargo) for lack of entry documentation

TRADITION

It appears that either Phoenix International, [REDACTED] agent, did not notify [REDACTED] client of the arrival so that the entry could be made or Rose Container Line, the shipper, did not notify Phoenix International, your constituent's agent, of the arrival of goods.

SERVICE

HONOR

ALL
6(6)

Phoenix International sent your constituent an arrival notice/invoice on March 10, 2000. The paperwork shows that Phoenix International invoiced your constituent \$106.24, at 159 Summer Street, Maynard, Massachusetts 01754. The invoice seems to also serve as notification of the arrival of goods (Reference number: 01090500007913001) at the BFT. The warehouse released these goods on April 2, 2000.

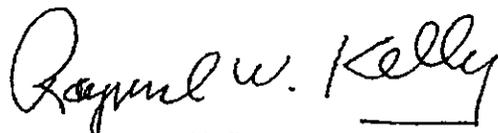
Customs sympathizes with your constituent's concerns and agrees that his agent or shipper should have notified him. This notification could have avoided storage charges incurred, denoted by your constituent as \$642.50

We advise your constituent to address the shipper (Rose Container Line) and agent (Phoenix International) to determine which company is responsible for informing him of the arrival of his goods and is thus culpable for the charges he incurred. The issue of compensation for G.O. storage fees should rest on that company

██████████ reference to the BFT regarding its financial interest in warehousing merchandise is misguided. The warehouse is a separate entity from BFT and has no connection, real or implied, to the monies collected by the G.O. warehouse. In actuality, it is much more difficult for the BFT to collect the required service fees (unloading and storage) rendered to a shipment once it is transferred to the G.O. warehouse. This is because, once moved, the cargo may never be claimed and may constitute a monetary loss to BFT for service charges incurred.

Thank you for the opportunity to address ██████████ concerns. 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. L. Seth Statler, Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,



Raymond W. Kelly
Commissioner

CFO
Roll
Roll
cc: CA

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
Telephone: (617) 565-8519
Facsimile: (617) 248-3870

May 11, 2000

Ms. Gloria Bryant
Director, Office of Congressional Affairs
U.S. Customs Service
1301 Constitution Avenue, N.W.
Room 2210
Washington, D.C. 20229

Dear Ms. Bryant:

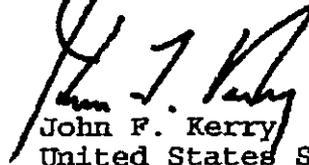
I am writing to you on behalf of my constituent, [REDACTED], who has contacted me regarding his concerns about a misspelling on a U.S. Customs Declaration form. 6(6)

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 my Staff Assistant, Joanna Garelick, of my Boston office.

I thank you for your assistance and cooperation in this matter.

Sincerely,



John F. Kerry
United States Senator

JFK/JLG
Enclosure



U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C 20229
202-927-2001 Fax 202-927-1380

Commissioner of Customs

June 13, 2000

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

Dear Senator Kerry:

Thank you for your letter of May 11, 2000, on behalf of your constituent, [REDACTED] in your correspondence, you asked that we address the concerns that [REDACTED] has raised about some typographical errors found on a Customs Form 6059B, Customs Declaration

*All
6(6)*

The U S. Customs Service procures the printing of this form in the millions annually, with nationwide distribution to Customs ports and the travel industry. However, private firms are not mandated to use the Customs-produced version of the form and many of them print their own copies. In these instances, errors do occasionally occur. This is the case with the copy [REDACTED] received printed by Seminole Printing We agree with [REDACTED] that the spelling error is an embarrassment and we are very grateful for [REDACTED] concern and action.

In the future, we will provide a camera copy to all printers, requesting that they overprint their company name on the bottom left corner on the face of the form. This eliminates typesetting and reduces their costs. Hopefully, it will also eliminate typographical errors. As we receive requests for a camera copy, a mailing list will be compiled and a new camera copy will automatically be sent for all future revisions.

I hope this information has been helpful to you in replying to [REDACTED]. If we may offer further assistance, please contact me or have a member of your staff contact [REDACTED], Acting Branch Chief, Information Services Branch, at (202) 927-0574

Yours truly,

Raymond W. Kelly
Commissioner

TRADITION

SERVICE

HONOR

United States Senate

WASHINGTON, DC 20510-2102

One Bowdoin Square
Tenth Floor
Boston, MA 02114
Telephone: (617) 565-8519
Facsimile: (617) 248-3870

April 7, 2000

Ms. Gloria Bryant
Director, Office of Congressional Affairs
U.S. Customs Service
1301 Constitution Avenue, N.W.
Room 2210
Washington, D.C. 20229

Dear Ms. Bryant:

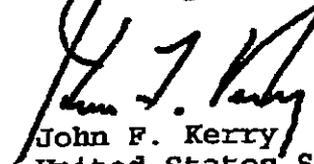
I am writing to you on behalf of my constituents, [REDACTED] 16(6)
[REDACTED], who have contacted me regarding their difficulties
with obtaining artwork through U.S. Customs.

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 my Staff
Assistant, Joanna Garelick, of my Boston office.

I thank you for your assistance and cooperation in this
matter.

Sincerely,



John F. Kerry
United States Senator

JFK/JLG
Enclosure

PLEASE RESPOND TO:

421 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-2742

ONE BOWDOIN SQUARE
BOSTON, MA 02114
(617) 565-8519

222 MILLIKEN PLACE
SUITE 311
FALL RIVER, MA 02722
(508) 677-0522

145 STATE STREET
SPRINGFIELD, MA 01103
(413) 785-4610

90 MADISON PLACE
SUITE 205
WORCESTER, MA 01608
(508) 831-7380

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

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U.S. Customs Service

1300 Pennsylvania Avenue, N W Washington, D C. 20229
202-927-2001 Fax 202-927-1380

Commissioner of Customs

July 3, 2000

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

Dear Senator Kerry

Thank you for your letter of April 7, 2000, on behalf of your constituent, [REDACTED] of Pucker Gallery in Boston. In your correspondence, you asked that we look into the difficulties [REDACTED] is having importing artwork. We have recently completed our review of this matter. Please allow me to outline our findings.

*All
b(6)*

The Pucker Gallery imported a shipment of vases, plates, bottles, teacups, and other similar articles, from Japan. The gallery's broker listed the merchandise as duty-free tariff "original sculptures and statuary." However, some of the shipping documents listed the items as "mass-produced reproductions or works of conventional craftsmanship of a commercial character." Even if designed or created by artists these articles do not qualify as duty-free under U.S. law.

However, since the shipment is in a "gray area," we approved its temporary entry duty-free until a more thorough review is completed. We will determine if the pottery can be imported as original sculptures and, therefore, eligible to remain duty-free.

[REDACTED] explained in his letter that Customs Import Specialist, [REDACTED], was unwilling to address [REDACTED] questions when [REDACTED] spoke with [REDACTED]. Please allow me to outline for you the steps Customs is taking to ensure this matter is handled appropriately. Under Customs uniform system for reviewing allegations of misconduct, misconduct allegations are reported to the Office of Internal Affairs (IA). The information [REDACTED] provided has been referred to IA and is being reviewed by a specially trained group of IA personnel and employee relations specialists. That group will determine the appropriate course of action for addressing the allegation.

TRADITION

SERVICE

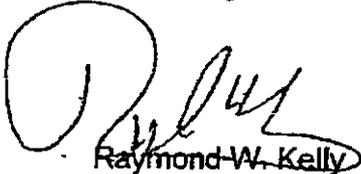
HONOR

If the investigative findings substantiate the concerns that were raised, Customs will take firm and appropriate action to correct the situation. However, the Privacy Act prevents Customs from disclosing information on the nature of any discipline taken against the employee as a result of the allegation.

Thank you for the opportunity to address [REDACTED] concerns. I am confident that his future encounters with the U S Customs Service will be both professional and pleasant.

If we may offer further assistance, please contact me or have a member of your staff contact Mr. Paul Schwartz, Director, Trade Enforcement and Control, at (202) 927-0370.

Yours truly,


Raymond W. Kelly
Commissioner

cc: IA

6(6)

United States Senate

WASHINGTON, DC 20510-2102

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

One Bowdoin Square
Tenth Floor
Boston, MA 02114
Telephone: (617) 565-8519
Facsimile: (617) 248-3870

July 23, 1999

OPR
cc: CP!
Su *9902:

Ms. Gloria Bryant
Director, Office of Congressional Affairs
U.S. Customs Service
1301 Constitution Avenue, N.W.
Room 2210
Washington, D.C. 20229

Dear Ms. Bryant:

I am writing to you on behalf of my constituent, [REDACTED], who has contacted me regarding his ongoing claim with the United States Customs Service.

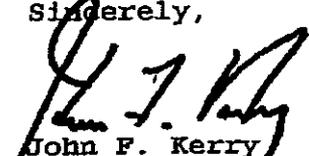
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It is the desire of this office to be responsive to all inquiries and communications. I respectfully ask for your assistance in resolving the issues outlined in this correspondence.

Please forward a copy of your findings to my Staff Assistant, Joanna Garelick, of my Boston office.

I thank you for your assistance and cooperation in this matter.

Sincerely,


John F. Kerry
United States Senator

JFK/JLG
Enclosure

9903364



THE COMMISSIONER OF CUSTOMS

August 11, 1999

WASHINGTON, D.C.
RR:CR:TE
963364 SG

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

Dear Senator Kerry:

Thank you for your letter of July 23, 1999, on behalf of your constituent, [REDACTED] of REXAM DSI. [REDACTED] contacted your office regarding [REDACTED] request for reconsideration of the tariff classification of REXAM DSI's product, Skivertex®. A review of this matter was recently completed. Please allow me to outline our findings

*All
b(6)*

By letter dated March 9, 1998, [REDACTED], Esq. of Fitch, King and Caffentzis, counsel for REXAM DSI, requested reconsideration of the tariff classification under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) of a jewelry box, the subject of Headquarters ruling letter (HQ) 960454, dated December 9, 1997. The ruling in question was issued to Meadows Wye & Co., a Customs broker acting on behalf of Fortunoff Jewelry & Silverware, Inc. [REDACTED] advised that REXAM DSI was the United States manufacturer of the material covering the jewelry boxes which were the subject of the ruling for which reconsideration was sought. By letter dated March 18, 1998, [REDACTED], Esq., currently of Graham & Nash, also requested reconsideration of HQ 960454, on behalf of [REDACTED] client, Fortunoff Jewelry & Silverware, Inc. By letter dated March 30, 1998, [REDACTED] requested that the appeal filed on behalf of Fortunoff Jewelry & Silverware, Inc., and REXAM DSI's application be consolidated.

HQ 960454 held that a molded plastic jewelry box covered on all sides, except its top, with Skivertex® was classified in subheading 4202.92.9060 of the HTSUSA, which provides for jewelry boxes with an outer surface of sheeting of plastic or of textile materials. The applicable duty at the 1999 general rate is 18.8 percent.

Counsel for both Fortunoff and REXAM DSI seek revocation of HQ 960454 as it is their view that the outer surface of the jewelry box is not of plastic sheeting but is of coated paper. Reclassification of the subject jewelry boxes is sought in subheading 4202.99.1000 of the HTSUSA, as a plastic jewelry box wholly or mainly covered with paper. The 1999 rate of duty would be at 3.4 percent.

ALL
6(6)

A key issue in HQ 960454 is whether the latex coated paper which covers the jewelry box constitutes an outer surface of plastic sheeting. The question of what is a plastic sheeting is currently pending before the Court of International Trade in the case entitled Same v. United States, Court No. 97-06-00959S. Same was set for trial in July, however as both parties filed Motions for Summary Judgement, which are currently before the Court, no trial was held nor has it been rescheduled.

Section 177.7(b) of the Customs Regulations (19 CFR 177.7(b)) provides that rulings will not be issued in certain circumstances. Section 177.7(b) states, in pertinent part, that:

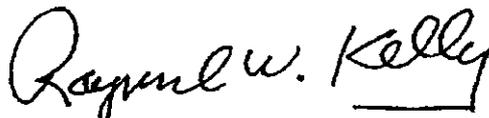
No ruling letter will be issued with respect to any issue which is pending before the United States Court of International Trade, the United States Court of Appeals for the Federal Circuit, or any court of appeal therefrom.

Contrary to [REDACTED] position that the issue raised in Same is irrelevant to the jewelry box issue, the same issue is presented for judicial review in Same as that ruled on in HQ 960454—what does the tariff mean when it provides, "With outer surface of sheeting of plastic." Accordingly, in light of Same, and 19 CFR 177.7(b), Customs is precluded from taking any action on [REDACTED] request until the judicial action is finally resolved.

While I understand [REDACTED] frustration at Customs for not ruling on the request for reconsideration, let me assure you that Customs has no record of any instance in which [REDACTED], or [REDACTED] attorney, requested and was denied the opportunity for a personal conference. As a matter of policy, any party requesting a ruling from Customs is entitled to such a conference.

I appreciate your interest in the Customs Service. If we may be of further assistance, please do not hesitate to contact me or have a member of your staff contact [REDACTED] at (202) 927-1695.

Yours truly,



Raymond W Kelly
Commissioner

JOHN KERRY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510-2102

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OTO
FWA
CC: CFA

July 19, 1999

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 writing to you on behalf of my constituents, [redacted] and the members of the United Food and Commercial Workers Local 1445, who have contacted me regarding a decision made earlier this year by the United States Customs Service, specifically concerning the offloading of frozen fish at the port of Gloucester, Massachusetts. Members of Local 1445 have expressed their concern about the number of good-paying union jobs that they suspect will be adversely affected as a result of the decision.

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 my Staff Assistant, Joanna Garelick, of my Boston office.

I thank you for your assistance and cooperation in this matter.

Sincerely,

John F. Kerry
John F. Kerry
United States Senator

JFK/JLG
Enclosure

9903322