

THE COMMISSIONER OF CUSTOMS



August 19, 1999

WASHINGTON, D.C.

FO.TP C.C PF

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

Dear Senator Kerry:

Thank you for your letter of July 19, 1999, on behalf of your constituents, [REDACTED] and the members of the United Food and Commercial Workers Local 1445. In your correspondence, you asked us to assist you in resolving the issues concerning the offloading of frozen fish at the Port of Gloucester, Massachusetts. Please allow me to respond to this specific issue.

b(6)

Enclosed is a copy of the U.S. Customs ruling concerning the issue and a copy of our response that was mailed to your constituent on June 25, 1999. We reviewed our ruling again and consider it to be legally correct. U.S. Customs understands your constituents' concerns. The Port Director of Boston and other U.S. Customs officials met on July 2, 1999, with the Mayor of Gloucester, trade members, and congressional staff to explain our position. It is our belief that this is a matter that can only be addressed through legislative action.

I appreciate your interest in the U.S. Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact [REDACTED] at (202) 927-0360.

b(6)

Yours truly,

Raymond W. Kelly
Commissioner

Enclosure

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

June 28, 1999

Raymond W. Kelly
Commissioner of Customs
U.S. Customs Service
1300 Pennsylvania Avenue NW
Washington D.C., 20229

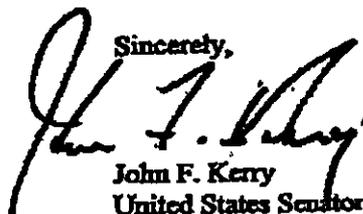
Dear Commissioner Kelly,

Thank you for responding to my inquiry concerning the Russian freighter *Granitnyy Bereg* and its apparent violation of the Nicholson Act. Bruce J. Tobey, the mayor of Gloucester, Massachusetts, wishes to be briefed further on this incident. In particular, Mayor Tobey would like to learn more about the Nicholson Act and the restrictions it imposes on foreign trade. I would appreciate it if a representative from your Boston or Washington D.C. office could attend this meeting that is scheduled for 10 a.m., July 2, 1999 at Gloucester City Hall.

I expect that staff from the office of Senator Kennedy, Congressman Tierney, and my office will attend this meeting. Please contact [redacted] of Mayor Tobey's office for further details. [redacted] can be reached at 978-281-9700.

16(6)

Sincerely,



John F. Kerry
United States Senator

PLEASE RESPOND TO:

421 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-3742

ONE BOWDOIN SQUARE
BOSTON, MA 02114
(617) 555-8618

221 MILLBEN PLACE
SUITE 211
FALL RIVER, MA 02722
(508) 677-0322

145 STATE STREET
SPRINGFIELD, MA 01103
(413) 733-4810

80 MADISON PLACE
SUITE 205
WORCESTER, MA 01608
(508) 851-7300

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

PRINTED ON RECYCLED PAPER



THE COMMISSIONER OF CUSTOMS

July 21, 1999

WASHINGTON, D.C.

FO:TP:C:C VA

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

Dear Senator Kerry:

This is a follow-up to your inquiry of June 28, 1999, concerning the Russian freighter *Granitnyy Bereg* and the application of the Nicholson Act. In your correspondence, you requested that Customs representatives participate in a meeting with Mayor Bruce J. Tobey of Gloucester, Massachusetts, to further clarify the application of the Nicholson Act. I am pleased to report to you the outcome of the meeting.

On July 2, 1999, Customs representatives from the Port of Boston met with Mayor Tobey to brief him on the restrictions imposed by the Nicholson Act on fish received on the high seas, and imported into the United States onboard unqualified vessels. Representatives from local shipping and fish processing concerns were also present at this meeting.

As a follow-up to the meeting, Customs was asked to provide an explanation of the line of demarcation between territorial waters of foreign countries and the high seas for purposes of application of the Nicholson Act. Industry participants subsequently submitted a list of 12 countries of interest to them. Enclosed please find information which sets forth, for each of the 12 countries, the point at which receipt of fish and subsequent landing in the United States would be of concern under the Nicholson Act.

Thank you for your interest in the Customs Service. If we may be of further assistance, please contact me or have a member of your staff contact Ms. Vera Adams at (202) 927-0360.

Yours truly,

A handwritten signature in cursive script that reads "Raymond W. Kelly".

Raymond W. Kelly
Commissioner

Enclosure

Territorial Waters of Foreign Countries

Listed below are the lines of demarcation between the territorial waters of certain foreign countries and the high seas:

Argentina	12 mi. territorial
Brazil	12 mi. territorial
Canada	12 mi. territorial
Greenland (Denmark)	3 mi. territorial
Iceland	12 mi. territorial
Japan*	12 mi. territorial
Norway	4 mi. territorial
People's Republic of China	12 mi. territorial
Poland	12 mi territorial
Republic of Korea**	12 mi. territorial
Russian Federation	12 mi. territorial
Union of South Africa	12 mi. territorial

* Japan's territorial sea remains less than 12 miles in five international straits: La Perouse (Soya), Tsugaru, Osumi, Eastern and Western Channel, and Tsushima.

** S. Korea's territorial sea remains less than 12 miles in the Korea Strait.

If you require additional information regarding territorial water boundaries, you may contact Mr. David Hogan, U.S. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs, Office of Marine Conservation at (202) 647-2335

United States Senate

WASHINGTON, DC 20510-2102

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

April 26, 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:

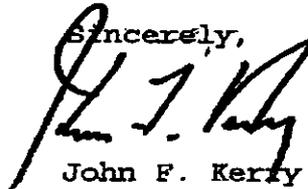
I am forwarding to you correspondence from [redacted] of Walpole, Massachusetts regarding [redacted] problem with your agency. *16(6)*

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

I would appreciate your looking into this matter and sending me a copy of your findings and views, to the attention of my assistant Jim Shaer, in care of my Boston, Massachusetts office. I would also appreciate your office confirming receipt of the enclosed to Jim at the above listed telephone number.

Thank you for your cooperation in this matter.

Sincerely,



John F. Kerry
United States Senator

JFK/jds

Enclosure

9901805

THE COMMISSIONER OF CUSTOMS



May 17, 1999

WASHINGTON, D.C.

The Honorable John F. Kerry
United States Senator
One Bowdoin Square
Boston, Massachusetts 20114

Dear Senator Kerry:

Thank you for your correspondence dated April 26, 1999, on behalf of your constituent, [REDACTED], commenting on the scope of the U.S.-Canada Softwood Lumber Agreement. Please allow me to explain the current status.

6(6)

Customs recently published on the Customs Bulletin on March 10, 1999, Vol 33, No. 10, a notice of a proposed revocation of a Customs ruling relating to rougher header lumber. The comments submitted by your constituent represent one side of the different views of the industry on this very sensitive issue. The 30-day comment period for this notice ended on April 9, 1999. As such, Customs is currently under a period of review wherein all of the submitted comments, including the one received from your constituent and various individuals, will be analyzed before a decision is made on this issue.

When the review period is over and a final determination is reached, we will be happy to share our decision with you.

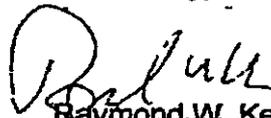
As you are aware, Customs is responsible for administering the Tariff Act of 1930, as amended, and for enforcing some 600 laws, regulations and international agreements on international traffic and trade for 60 other government agencies. We believe we administer the provisions over which we have responsibility in a fair and impartial manner. The tariff coverage of the U.S.-Canada Softwood Lumber Agreement was negotiated by the Office of the Trade Representative on behalf of the United States with the Canadian Government and represents the trade policy of the United States. Questions involving trade policy should be directed to that office. The scope of particular tariff provisions is determined by Customs, which takes into consideration the statutory language as enacted by Congress and any judicial decisions interpreting that language. The Court of International Trade recently ruled in the case of American Bayridge

Corp. v. United States, Court No. 98-08-02682, decided December 16, 1998, on the classification of drilled studs. That judicial decision had a direct impact on the tariff classification of all merchandise classified within Chapter 44 of the Harmonized Tariff Schedule of the United States, (19 U.S.C. 1202) and indirectly the coverage of the U.S.- Canada Softwood Lumber Agreement. The Court's interpretation will govern Customs classification of lumber including the rougher header lumber until reversed by a higher court or changed through legislative action. We trust the foregoing is of help to you and your constituent in understanding this very sensitive issue.

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 [REDACTED] at (202) 927-2394.

b(6)

Yours truly,


Raymond W. Kelly
Commissioner

rlw
OFFICE
of CPA
REUR
13

Congress of the United States
Washington, DC 20515

April 8, 1999

Gloria Bryant
Director, Office of Congressional Affairs
U.S. Customs Service
1300 Pennsylvania Avenue NW
Section 6.4-a
Washington D.C., 20229

Dear Ms. Bryant,

On April 7, 1999, U.S. Customs officials in Gloucester Massachusetts confiscated frozen pollack that was being transported ashore from the Russian cargo ship *Granitnyy Bereg*. We understand the action was taken because of an alleged violation of the Nicholson Act.

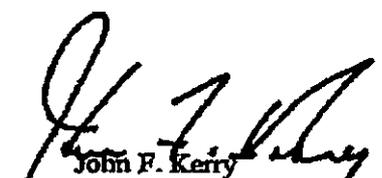
According to the local shipping agent, [REDACTED], the Russian ship began unloading its cargo on March 26, 1999. The agent also states that the Gloucester Customs Office "cleared" this action two weeks ago. It was not until the local Customs Office received an anonymous call yesterday that this was deemed a violation of the Nicholson Act.

6(b)

Please provide us a written report on this matter as soon as possible. In particular, we are interested to find out if the cargo was in fact "cleared" by the Gloucester Customs Office two weeks ago and why the cargo was later deemed to be in violation of the Nicholson Act.

We thank you in advance for providing this information, which we are sure will help clarify the circumstances that created this situation.

Sincerely,


John F. Kerry
United States Senator


Edward M. Kennedy
United States Senator


John F. Tierney
Member of Congress

9901509



THE COMMISSIONER OF CUSTOMS

WASHINGTON, D.C.

June 18, 1999

FO:TP C C REW

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

Dear Senator Kerry:

Thank you for your letter of April 8, 1999. In your correspondence, you asked for information regarding an importation of fish and the actions we have taken regarding this matter. Please allow me to outline the circumstances for you.

The *MV Granitnyy Bereg* arrived in Gloucester, Massachusetts, on March 25, 1999. On April 6, 1999, we were informed that the cargo on board the *MV Granitnyy Bereg* had been loaded at sea and transported to Gloucester in violation of the "Nicholson Act", 46 U.S.C. chapter 12 section 251(a).

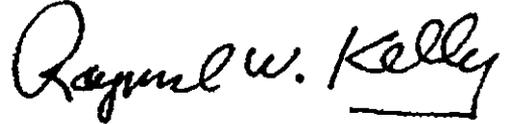
The cargo manifest provided at the time of the boarding stated that the port of lading for the cargo was Petropavlousk-Kamchatskiy, Russia. At no time did the Captain or any member of the crew inform the Customs Inspector that the cargo was loaded at sea.

On April 7, 1999, the inspector, along with a Petty Officer from the U.S. Coast Guard, reboarded the vessel. The Captain said that the cargo was loaded in international waters to avoid paying Russian duties and fees. This was noted in the ship's log.

After it was confirmed that a violation of the Nicholson Act took place, Customs placed a hold on the fish and issued a detention notice. Additionally, the ship was ordered to cease unloading the remaining cargo. Although the shipment's brokers had already received clearance for the cargo, the clearance was based on information from the manifest. Clearance would not have been granted had Customs been aware of the full extent of the circumstances.

If we may offer further assistance, please contact me or have a member of your staff contact Ms Vera Adams at (202) 927-0360.

Yours truly,

A handwritten signature in black ink that reads "Raymond W. Kelly". The signature is written in a cursive style with a horizontal line under the name.

Raymond W Kelly
Commissioner

United States Senate

WASHINGTON, DC 20510-2102

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

March 26, 1999

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 [REDACTED] dealings with the United States 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 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

9901427



THE COMMISSIONER OF CUSTOMS

WASHINGTON, D.C.

April 22, 1999

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

Dear Senator Kerry:

Thank you for your letter of March 26, 1999, on behalf of your constituent, [REDACTED]. In your correspondence, you asked for assistance in resolving the issues outlined in correspondence from [REDACTED]. I am glad we can be of assistance. Please allow me to outline the situation as I understand it.

[REDACTED] has initiated at least five federal administrative actions in which [REDACTED] raises the concerns that [REDACTED] has expressed in [REDACTED] letter to you. Because these issues are pending before the Equal Employment Opportunity Commission, the Merit Systems Protection Board and/or the Office of Special Counsel, we are not able to comment on [REDACTED] specific concerns. Through these administrative processes, I am very confident [REDACTED] will receive fair consideration in accordance with all applicable law and regulations.

Further, let me assure you that I actively support equal opportunity in the workplace for all employees and their reliance on the rights afforded them under applicable laws.

I appreciate your interest in the Customs Service. If we may offer further assistance, please don't hesitate to contact me.

Yours truly,

Raymond W. Kelly
Commissioner

ALL
b(6)

KERRY
OFFICE

Handwritten: C. C. H. H.
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

March 12, 1999

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:

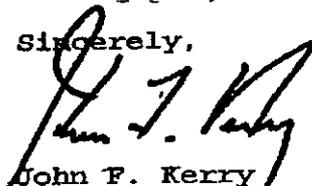
I am writing to you on behalf of my constituent, [REDACTED] 16(6)
[REDACTED], who has contacted me regarding [REDACTED] dealings with the
United States Customs Service.

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



THE COMMISSIONER OF CUSTOMS

May 17, 1999

WASHINGTON, D.C.

FO P CSU120 DL

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

Dear Senator Kerry:

Thank you for your letter of March 12, 1999, on behalf of your constituent, [REDACTED]. In your correspondence, you asked for a review of the events surrounding [REDACTED] concern over excessive search of passengers and baggage by the Customs Service on flights from Jamaica. Please allow me to outline our findings for you.

ALL
6(6)

A thorough review of this matter disclosed that there is an increased narcotics threat from Jamaica. Most of the narcotics being smuggled into the United States by air passengers is now arriving from Jamaica. As a result, flights originating in Jamaica are, in fact, being examined more closely [REDACTED] observation of Customs officers opening liquor bottles is a reflection of the extent to which smugglers are resorting to concealing narcotics.

I regret any inconvenience [REDACTED] may have experienced. I hope [REDACTED] understands the difficult job that Customs officers are faced with and trust that [REDACTED] future dealings with Customs will be more pleasant.

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. Robert Jacksta, Acting Director, Passenger Programs at (202) 927-0530.

Yours truly,


Raymond W. Kelly
Commissioner

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

January 29, 1999

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:

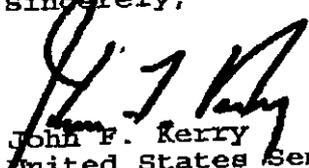
I am writing to you on behalf of my constituent, [REDACTED], who has contacted me regarding [REDACTED] previous inquiries to the United States Department of the Treasury. 16(6)

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 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/img
Enclosure

THE COMMISSIONER OF CUSTOMS



WASHINGTON, D.C.

March 3, 1999

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

Dear Senator Kerry:

Thank you for your letter of January 29, 1999, addressed to Ms. Gloria Bryant, Director, Office of Congressional Affairs, in which you asked for assistance in resolving the issues outlined in correspondence from your constituent.

*All
b(6)*

██████████ has initiated at least five federal administrative actions in which ██████████ raises the concerns that ██████████ has expressed in ██████████ letter to you. Because these issues are pending before the Equal Employment Opportunity Commission, the Merit Systems Protection Board and/or the Office of Special Counsel, we are not able to comment on ██████████ specific concerns. Through these administrative processes, I am very confident ██████████ will receive fair consideration in accordance with all applicable law and regulations.

Further, let me assure you that I support equal opportunity in the workplace for all employees and their reliance on the rights afforded them under applicable laws.

Please let me know whenever we may be of service.

Sincerely,


Raymond W. Kelly
Commissioner

United States Senate

WASHINGTON, DC 20510-2102

WCPA
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

January 7, 1999

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:

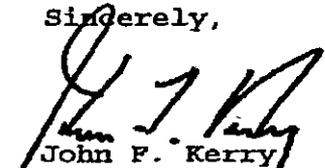
I am writing to you on behalf of my constituent, [REDACTED] 16(6)
[REDACTED] who has contacted me regarding the problems with [REDACTED]
retirement from the United States Customs Service.

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



DEPARTMENT OF THE TREASURY

U. S. CUSTOMS SERVICE

OFFICE OF CHIEF COUNSEL

JAN 28 1999

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

Dear Senator Kerry:

Thank you for your letter of January 7, 1999, addressed to Ms. Gloria Bryant, Director, Office of Congressional Affairs, in which you request the response of the U.S. Customs Service to the concerns detailed in letters from your constituent, [REDACTED] a former Assistant Commissioner who left the rolls of the agency in July 1998 in order to retire, raises concerns about [REDACTED] application for retirement, as well as concerns regarding the employment by the agency of [REDACTED], who is a Customs Inspector at Highgate Springs, Vermont.

With respect to the concerns raised by [REDACTED] on [REDACTED] retirement application, the U.S. Customs Service transmitted documentation to the Office of Personnel Management on [REDACTED] application for an immediate annuity in July 1998. The Office of Personnel Management has the authority to rule on [REDACTED] application. It is our understanding that the Office of Personnel Management will be issuing a decision on the matter in the near future, and we believe counsel for [REDACTED] has already been in contact with the Office of Personnel Management in that regard.

[REDACTED] has also raised in [REDACTED] letters to you certain matters relating to [REDACTED], Customs Inspector [REDACTED]. As we are sure that you understand, the disclosure of information regarding individuals, such as employees of the U.S. Customs Service, is governed by the Privacy Act, 5 U.S.C. 552a. Pursuant to the Act, we are unable to disclose any information regarding [REDACTED] based upon a request from [REDACTED].

Please let me know whenever we may be of service.

Sincerely,

Elizabeth B. Anderson
Chief Counsel

AD
6(6)

United States Senate

WASHINGTON, DC 20510-2102

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

AC OFO
CO CPA

December 16, 1998

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:

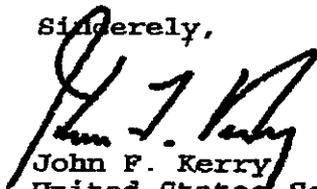
I am writing to you on behalf of my constituent, [REDACTED] who has contacted me regarding the difficulties [REDACTED] had when passing through with United States Customs upon leaving Canada. 16(6)

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 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

7805/46



DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE

JAN 14 1999

DIS-2-01-FO P TJH

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

Dear Senator Kerry:

This is in response to your December 16, 1998, letter concerning the difficulties your constituent, [REDACTED], is experiencing when clearing Customs. **b(6)**

The Treasury Enforcement Communications System (TECS) is a computerized list of names of known and suspected violators of Customs and related laws. The officers use TECS, along with other enforcement criteria, as a tool in determining which travelers may warrant more than normal scrutiny.

Please be advised that we have taken action regarding your request. Although no traveler can be guaranteed that he or she will never be asked to undergo another thorough inspection, [REDACTED] can expect to receive routine Customs processing in the future. **b(6)**

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

Sincerely,

Robert S. Trotter
Robert S. Trotter
Assistant Commissioner
Office of Field Operations



DRE
cc: CPA

United States Senate

WASHINGTON, DC 20510-2102

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

November 16, 1998

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] of Rexam DSI, who has contacted me regarding the tariff classification of Rexam's paper product, Skivertex. 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 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

9804718



DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

DEC 21 1998

RR CR.TE
962372 SG

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

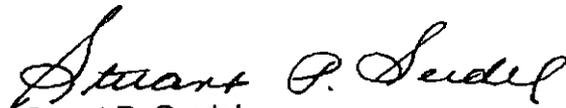
Dear Senator Kerry

Thank you for your letter of November 16, 1998, on behalf of your constituent, [REDACTED], of REXAM DSI. [REDACTED] contacted your office regarding [REDACTED] request for reconsideration of the tariff classification of REXAM's product, Skivertex. You request our assistance in resolving the issues involved in [REDACTED] correspondence.

I have looked into this matter [REDACTED] request for reconsideration is under active review. A decision will be forthcoming shortly. As soon as the decision is issued, I will provide you with a copy.

If you have any additional questions on this or any other subject, do not hesitate to have a member of your staff contact us.

Sincerely,


Stuart P. Seidel
Assistant Commissioner
Office of Regulations and Rulings



AA
6(6)



DEPARTMENT OF THE TREASURY

U. S. CUSTOMS SERVICE

JAN 22 1999

RR.CR·TE
962372 SG

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

Dear Senator Kerry:

This is in further reference to your letter of November 16, 1998, on behalf of your constituent, [REDACTED], of REXAM DSI. [REDACTED] contacted your office regarding [REDACTED] request for reconsideration of the tariff classification of REXAM's product, Skivertex. You request our assistance in resolving the issues involved in [REDACTED] correspondence.

[REDACTED] request for reconsideration is still under active review. A decision will be forthcoming shortly. As soon as the decision is issued, I will provide you with a copy.

If you have any additional questions on this or any other subject, do not hesitate to have a member of your staff contact us.

Sincerely,

Stuart P. Seidel

Stuart P. Seidel
Assistant Commissioner
Office of Regulations and Rulings

ALL
6(6)



DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

FEB 12 1999

RR.CR TE
962372 SG

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

Dear Senator Kerry

This is in further reply to your letter of November 16, 1998, on behalf of your constituent, [REDACTED] of REXAM DSI. [REDACTED] contacted your office regarding [REDACTED] request for reconsideration of the tariff classification of certain jewelry boxes. You request our assistance in resolving the issues involved in [REDACTED] correspondence

All
b(6)

By letter dated March 9, 1998, [REDACTED], Esq. from the law firm 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 Customs Headquarters Ruling Letter (HQ) 960454, dated December 9, 1997. HQ 960454 was issued to Meadows Wye & Co., a Customs Broker acting on behalf of Fortunoff Jewelry & Silverware, Inc. REXAM DSI is the United States manufacturer of the material, "Skivertex", covering the jewelry boxes which were the subject of HQ 960454. By letter dated March 18, 1998, [REDACTED], Esq. currently with the law firm of Graham & James, also requested reconsideration of HQ 960454, on behalf of [REDACTED] client, Fortunoff Jewelry & Silverware, Inc. By letter dated March 30, 1998, [REDACTED] requested that REXAM DSI's application be consolidated with the appeal filed on behalf of Fortunoff Jewelry & Silverware, Inc

HQ 960454 ruled on the classification of a molded plastic jewelry box covered on all sides, except its top, with plastic covered paper. The merchandise that is the subject of your constituent's request is essentially the same as that ruled on in HQ 960454.

The status of HQ 960454 is under active consideration. In HQ 960454, the jewelry box in issue was classified in subheading 4202.92.9060, HTSUSA, which provides for jewelry boxes with an outer surface of sheeting of plastic. The applicable duty at the 1999 general rate is 18.8 percent. Counsel for both Fortunoff and REXAM seek revocation of HQ 960454 on the basis that the outer surface of the jewelry box is coated paper, not plastic sheeting. Reclassification of the subject jewelry boxes is sought in subheading 4202.99 1000, HTSUSA, as a plastic jewelry box wholly or mainly covered with paper. The 1999 general rate of duty is 3.4 percent.



Equal Opportunity Employer

Attorneys on my staff have been working on the request for reconsideration extensively and have been in frequent contact with counsel for Fortunoff and for REXAM. Both are aware of the issues involved, and each has met with members of my staff to personally present their views.

A key issue in HQ 960454 is whether the latex coated paper which covers the jewelry box has an outer surface of plastic sheeting. The question of what is a plastic sheeting is currently pending before the United States Court of International Trade in the case entitled Same v. United States, Court No 97-06-00959S. Section 177.7(b), Customs Regulations (19 CFR 177.7(b)), precludes Customs from ruling on any issue pending before the Court of International Trade. That case concerns slightly different merchandise than that ruled on in HQ 960454. However, the issues in Same and those presented in the reconsideration of HQ 960454 are closely related. Therefore, in accordance with 19 CFR 177.7(b), we have not issued a ruling to either party and will not do so until it is determined that any such ruling will not affect the government's position in Same, which we believe to be legally correct. A final decision is expected shortly. Once that decision is made, a copy will be furnished to your office.

If you have any additional questions on this or any other subject, please do not hesitate to have a member of your staff contact me at (202) 927-0760. [REDACTED] [REDACTED] of my staff may be also contacted at (202) 927-2380 with respect to this subject.

b(6)

Sincerely,



Stuart P. Seidel
Assistant Commissioner
Office of Regulations and Rulings

JOHN KERRY
MASSACHUSETTS

9802933

(AC) UIC
CC CPA
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

July 22, 1998

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:

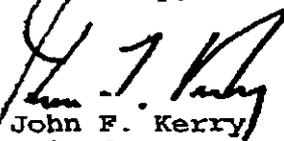
I am writing to you on behalf of my constituent, [REDACTED] 16(6), who has contacted me regarding [REDACTED] experiences while going through Customs in Boston, MA.

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, Renita Attardi, of my Boston office.

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

Sincerely,



John F. Kerry
United States Senator

JFK/rar
Enclosure



DEPARTMENT OF THE TREASURY
U. S. CUSTOMS SERVICE

AUG 3 1998

INV-9-FO:P BH

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

Dear Senator Kerry:

We have received your July 22, 1998, letter enclosing correspondence from [REDACTED] (transcribed for [REDACTED] by [REDACTED] [REDACTED]) concerning [REDACTED] May 2, 1997, arrival from Israel at Boston's Logan Airport. AL
66

We certainly regret the unpleasantness and inconvenience [REDACTED] experienced on that occasion. However, our Boston Port Director has advised us that the incident in question did not involve Customs inspectors but officers of the U.S. Immigration and Naturalization Service (INS). It is INS that determines the admissibility of persons seeking to enter the United States. Although [REDACTED] refers to the officer whose conduct [REDACTED] found unacceptable as a "Customs official," [REDACTED] complaint actually involves [REDACTED] INS processing.

Consequently, we are forwarding your correspondence to INS Headquarters, 425 Eye Street, NW., Washington, D.C. 20536, for its consideration of [REDACTED] remarks.

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

Sincerely,


FOR Robert S. Trotter
Assistant Commissioner
Office of Field Operations

"Please visit the U.S. Customs Web at <http://www.customs.ustreas.gov>"

United States Senate

WASHINGTON, DC 20510-2102

FEDERAL TRADE COMMISSION
JUN 17 11:03 AM '98
CONGRESS BRANCH

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

78-0023020

June 3, 1998

Ms. Lorraine Miller
Director, Office of Congressional Relations
Federal Trade Commission
Room 404
6th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20580

FEDERAL TRADE COMMISSION

JUN 23 1998

Dear Ms. Miller:

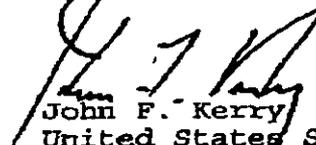
I am writing to you on behalf of my constituent, [REDACTED] who has contacted me regarding importing Russian Vodka. **66**

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, Renita Attardi, of my Boston office.

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

Sincerely,



John F. Kerry
United States Senator

JFK/rar
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) 735-3810

90 MADISON PLACE
SUITE 205
WORCESTER MA 0
(508) 831-7390

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

PRINTED ON RECYCLED PAPER



DEPARTMENT OF THE TREASURY
U S CUSTOMS SERVICE

AUG 13 1998

FO.TC I.C AA

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

Dear Senator Kerry:

Thank you for your letter of June 3, 1998, forwarding correspondence from your constituent, [REDACTED] of the U.S.-Russian Chamber of Commerce. [REDACTED] is seeking information concerning applicable regulations and procedures for importing vodka into the United States. 16(6)

I have enclosed a copy of the pamphlets "United States Import Requirements," and "District Rulings Program." Together, these documents provide an illustrative overview of the processes that affect the entry and release of imported merchandise, and other useful information for conducting business with the Customs Service. —

Any person or firm wishing to engage in the business of importing distilled spirits, wines, or malt beverages must first obtain an importer's basic permit from the Bureau of Alcohol, Tobacco, and Firearms (BATF), Department of the Treasury, Washington, D.C. 20226, telephone (202) 925-8110. That agency is responsible for administering the Federal Alcohol Administration Act.

Imported spirits in bottles and other containers are required to be packaged, marked, branded, and labeled in accordance with the regulations in 27 CFR Part 4, while each bottle, cask, or other immediate container must be marked for Customs purposes to indicate the country of origin of the beverage contained therein. Labels affixed to bottles of distilled spirits and wine must also

"Please visit the U.S. Customs Web at <http://www.customs.usdtreas.gov>"

be covered by certificates of label approval issued to the importer by the BATF. These certificates must be filed with Customs before the goods may be released for sale in the United States. In addition, the importation of alcoholic beverages is subject to specific requirements of the Food and Drug Administration.

Information on specific commodities, their applicable rates of duty, and possible eligibility for special treatment under the Harmonized Tariff Schedules of the United States can be obtained from an import specialist at the nearest Customs Service port. I would recommend that [REDACTED] contact the Port of Boston at (617) 565-6152, and ask to speak with an import specialist responsible for Chapter 22, with vodka being covered under heading 2208. b(6)

If you should have need of additional information regarding this matter, please have a member of your staff contact [REDACTED] at (202) 927-0318. b(6)

Sincerely,

Charles P. Bartolotta

So

Robert S. Trotter
Assistant Commissioner
Office of Field Operations

Enclosures

JOHN KERRY
MASSACHUSETTS

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9801002
AC OFG
CC. CPA

United States Senate

WASHINGTON, DC 20510

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

March 16, 1998

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:

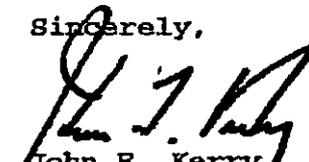
I am forwarding to you a copy of a letter from [REDACTED] concerning the unfair treatment [REDACTED] received from the U.S. Customs Officers at Logan Airport. 16(b)

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, Renita Attardi, of my Boston office.

I thank you for your cooperation in this matter.

Sincerely,


John F. Kerry
United States Senator

JFK/teh
Enclosure



DEPARTMENT OF THE TREASURY
U S CUSTOMS SERVICE

APR 8 1998

BAG-2-01-FOIP BH

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

Dear Senator Kerry:

Thank you for your March 16, 1998, letter enclosing correspondence from [REDACTED] concerning the February 24, 1998, federal processing of [REDACTED] and [REDACTED] at Boston's Logan Airport.

We certainly regret the unpleasantness and inconvenience experienced by [REDACTED] and [REDACTED] on that occasion. However, it should be pointed out that all persons, unless exempt by diplomatic status, entering the United States are subject to as thorough an inspection as is warranted to ensure that the Customs and related laws are not being violated.

[REDACTED] objects to the seizure of [REDACTED] food items and to the penalty [REDACTED] was assessed for having failed to declare those items. However, the food items in question were seized and the penalty assessed not by a Customs officer but by a Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) inspector. Consequently, we are forwarding your correspondence to USDA-APHIS, 47 River Road, Riverdale, Maryland 20737, for its consideration of [REDACTED] remarks.

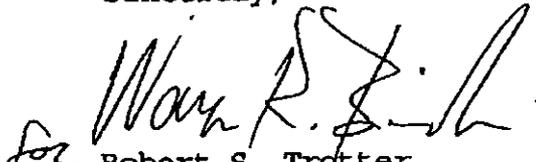
Our Boston Port Director advises us that a Customs officer was involved in an altercation that took place between [REDACTED] and the APHIS inspector. We wish to assure [REDACTED] that Customs officers are trained and supervised to treat all travelers with courtesy and tact. When we are able to substantiate that one of our employees has failed to maintain Customs strict professional standards, we take firm corrective action.

"Please visit the U.S. Customs Web at <http://www.customs.ustreas.gov>"

We are asking the Port Director to look into the circumstances of the Customs treatment afforded [REDACTED] and [REDACTED] during the February 24 incident. After we have reviewed the Port Director's findings, we will be back in touch with you. b(6)

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

Sincerely,


Dr. Robert S. Trotter
Assistant Commissioner
Office of Field Operations



DEPARTMENT OF THE TREASURY

U. S. CUSTOMS SERVICE

APR 24 1998

BAG-2-01-FO.P BH

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

Dear Senator Kerry:

This is in further reply to your March 16, 1998, letter enclosing correspondence from [REDACTED] concerning the February 24, 1998, federal processing of [REDACTED] and [REDACTED] at Boston's Logan Airport.

We now have reviewed a report of an investigation conducted into this matter by our Boston Port Director. The Port Director points out that [REDACTED] difficulties, as we indicated in our April 8, 1998, reply to you, involved [REDACTED] disagreement with an officer of the Animal and Plant Health Inspection Service (APHIS) in connection with the seizure of [REDACTED] food items and the penalty [REDACTED] was assessed for having failed to declare those items.

As we also pointed out to you on April 8, we forwarded your correspondence to USDA-APHIS, 47 River Road, Riverdale, Maryland 20737, for its consideration of [REDACTED] remarks.

Our Boston Port Director further advises us that the Customs officer became involved in the altercation that took place between [REDACTED] and the APHIS inspector only as an attempt to diffuse the situation. The officer, who was wearing a Customs issued sweater with the required insignia and patches, was thoroughly professional in his conduct in the face of abusive language from [REDACTED].

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

Sincerely,

for Kevin P. Cummings
Robert S. Trotter

Assistant Commissioner
Office of Field Operations

"Please visit the U.S. Customs Web at <http://www.customs.ustrcas.gov>"

10/19

United States Senate

WASHINGTON, DC 20510

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

January 9, 1998

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

Dear Ms. Starks:

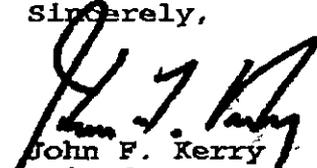
I am writing to you at the request of [REDACTED] is interested in a resolution of [REDACTED] sexual harrasment complaint. 16(6)

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

I would appreciate your looking into this matter and sending me a copy of your findings and views to Carmen A. Velazquez in care of my office.

Thank you for your cooperation in this matter.

Sincerely,


John F. Kerry
United States Senator

JFK/cav



DEPARTMENT OF THE TREASURY
WASHINGTON, D C

April 8, 1998

ASSISTANT SECRETARY

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

Dear Senator Kerry

Thank you for your letter dated January 9, 1998, regarding your constituent, [REDACTED]. You asked to be advised of [REDACTED] allegations regarding discriminatory practices by the United States Customs Service. In his letter, [REDACTED] states that [REDACTED] has been harassed and discriminated against [REDACTED] further states that [REDACTED] supervisor's actions are impacting [REDACTED] medically.

Our records show that [REDACTED] has filed a formal complaint of discrimination with our Chicago Regional Complaint Center on December 27, 1997. The Center will investigate [REDACTED] allegations, and will provide [REDACTED] an opportunity to present [REDACTED] case to an Administrative Judge from the Equal Employment Opportunity Commission (EEOC) who will issue a recommended decision on the matter, or [REDACTED] can elect a final agency decision without a hearing. [REDACTED] will also have the right to appeal any final agency decision to the EEOC or to file in district court. These procedures are in place to ensure that [REDACTED] is provided with an effective and impartial review of the matters [REDACTED] raises. Meanwhile, [REDACTED] should be assured that [REDACTED] like all Customs employees who use any one of the complaint and grievance processes, is free to raise such allegations without fear of reprisal.

I would like to take this opportunity to assure you that it is the policy of the Department to enforce its commitment to provide a workplace free of discrimination or harassment of any employee. Any improper interference with an employee's protected activity could subject the offending individual to appropriate discipline.

Thank you for your concern regarding this matter and bringing these issues to our attention. Please let me know whenever we may be of service.

Sincerely,

Signed

Linda Robertson
Assistant Secretary
(Legislative Affairs and Public Liaison)

All
b(6)

JOHN KERRY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

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

January 5, 1998

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 copy of a letter from [redacted] concerning the \$122.36 duty that [redacted] paid.

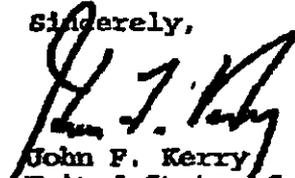
16(6)

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/msb



DEPARTMENT OF THE TREASURY
U S. CUSTOMS SERVICE

JAN 22 1998

FO:TC:C:C MM

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

Dear Senator Kerry:

Thank you for your letter of January 5, 1998, enclosing
correspondence from your constituent [REDACTED].
[REDACTED] is concerned about the \$122.36 duty [REDACTED] paid.

16(6)

Currently, we are looking into the details of this case. Once a
full investigation has been made, a complete report will be sent
to your office.

We appreciate the opportunity to look into this matter.

Sincerely,

Annex K. Lombardi
for Robert S. Trotter
Assistant Commissioner
Office of Field Operations

"Please visit the U.S. Customs Web at <http://www.customs.treas.gov>"



DEPARTMENT OF THE TREASURY
U S CUSTOMS SERVICE

FEB 20 1998

FIS-3-03-FO:P BH

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

Dear Senator Kerry:

This is in further reply to your January 5, 1998, letter enclosing correspondence from [REDACTED] concerning the duty [REDACTED] recently was assessed on jewelry [REDACTED] had purchased in Mexico on the return of [REDACTED] cruise ship to Miami, Florida.

We now have reviewed a report concerning this matter from our Miami Seaport Area Port Director. The Port Director advises us that the Customs inspector who conducted [REDACTED] inspection determined that the jewelry [REDACTED] acquired in Mexico was not considered a product of Mexico.

To qualify as a duty-free product of Mexico, an item must not only be acquired in that country but must be produced in Mexico of domestic material. Most items of gold jewelry acquired in Mexico do not meet those criteria, as most of the settings and nearly all of the gemstones of those items are of non-Mexican origin.

We regret any inconvenience this misunderstanding may have caused [REDACTED]. [REDACTED] may wish to contact [REDACTED] cruise line concerning the possibly misleading information [REDACTED] was given concerning the duty-free status of Mexican jewelry.

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

Sincerely,

for *Joseph B. O'Sorman*
Audrey Adams
Acting Assistant Commissioner
Office of Field Operations

"Please visit the U.S. Customs Web at <http://www.customs.ustras.gov>"

AD
6(6)

JOHN KERRY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

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

December 12, 1997

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:

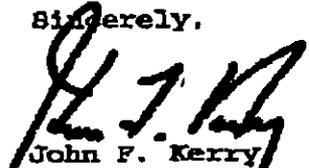
I am forwarding to you a copy of a letter from [REDACTED] concerning the replies of Customs to his complaints. (b)

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

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

I thank you for your cooperation in this matter.

Sincerely,


John F. Kerry
United States Senator

JFK/mss



DEPARTMENT OF THE TREASURY
U S CUSTOMS SERVICE

BAG-2-01-FO.P BH

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

Dear Senator Kerry:

Thank you for your December 12, 1997, letter enclosing correspondence from [REDACTED] in further reference to the October 28, 1997, Customs inspection of [REDACTED] and [REDACTED] at Boston's Logan Airport.

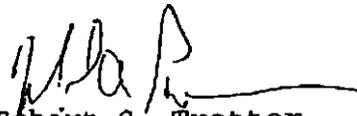
All
b(6)

We are sorry that [REDACTED] was dissatisfied with the November 12, 1997, reply from Logan's Chief Inspector, which we enclosed in our previous correspondence to you concerning Mr. and Mrs. [REDACTED] Customs processing. However, since [REDACTED] also expressed [REDACTED] concerns directly to the Chief Inspector, we are enclosing his December 19, 1997, reply to [REDACTED].

The Chief Inspector's reply explains Customs procedures in enforcing the Customs and related laws both for passengers who have items to declare and for passengers who claim to have nothing to declare to Customs. We hope that this clarification has served to resolve [REDACTED] concerns.

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

Sincerely,


Robert S. Trotter
Assistant Commissioner
Office of Field Operations

Enclosure

"Please visit the U.S. Customs Web at <http://www.customs.ustreas.gov>"



DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
BOSTON, MASSACHUSETTS

December 19, 1997
BAG-2-OFO: RG

[REDACTED]
[REDACTED]
Boston, MA 02108

Dear [REDACTED]

This is in response to your letter dated December 10, 1997 which resulted from correspondence between you and this office regarding the Customs processing of you and [REDACTED] on October 28, 1997 at Logan Airport

I did not intend to be condescending in responding to your original letter and am disappointed in your interpretation. You requested that I review the circumstances surrounding your customs inspection. The review resulted in the determination that the inspector acted appropriately and professionally. I can understand your feelings that the inspector may have exceeded limits by looking in your briefcase. As an individual who complies with the laws and regulations, you would certainly feel that there would be no need to verify your purchases. Unfortunately all travelers do not comply in a similar manner and the only effective way of determining if a traveler has fully declared all of his or her acquisitions is to match purchases against receipts.

On the main issue of your letter, concerning percentages of passengers stopped for inspection, you imply that the Customs Service has a policy of inspecting only those passengers who declare acquisitions. Customs has no such policy on either a national or a local basis. Daily inspections are conducted on passengers who fit in both categories with no preconceived percentage of passengers who must be inspected.

People's perception of how to smuggle merchandise into the United States differs greatly. Some individuals believe that if they claim they have nothing to declare they will not be stopped for an examination. Others believe that if they declare something, that declaration will influence the inspector to believe that they have fully declared their acquisitions. In both instances inspectors have seized undeclared or under declared merchandise from travelers. We have not seen an overwhelming percentage of either type of violator.

ALL
6(6)

Furthermore, the Customs Service currently has in place a national random inspection program, whereby passengers are randomly selected to participate in a passenger compliance examination as a means of measuring the effectiveness of its passenger processing procedures. Compliance measurements will allow the Customs Service to meet its requirements, under the Government Performance and Results Act of 1993, to report to Congress on the effectiveness of its programs

Once again, the U.S. Customs Service regrets that you and [REDACTED] feel that you were mistreated by our inspectional staff. We hope that this response will help further clarify our actions and addresses your concerns in this matter. Please feel free to contact myself or [REDACTED] Passenger Service Representative, at (617) 568-1810 if we can be of any further assistance.

16(6)

Sincerely,



Matthew E. Farrell
Chief Inspector

cc: Senator Edward M. Kennedy
Senator John F. Kerry
Congressman J. Joseph Moakley
Robert S. Trotter
Bernie Harris

United States Senate

WASHINGTON, DC 20510

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

November 10, 1997

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:

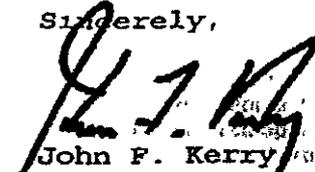
I am forwarding to you a copy of a letter from [REDACTED] concerning [REDACTED] request for a desk audit. 16(6)

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

9705062



DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE

DEC 4 1997

ADM-2-HRM:H

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

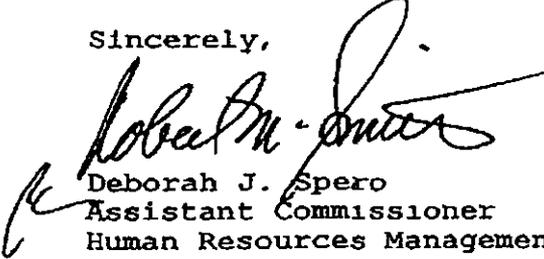
Dear Senator Kerry:

This is in response to your letter of November 10, 1997, on behalf of your constituent, [REDACTED]. [REDACTED] is requesting assistance in obtaining the results of [REDACTED] request for a desk audit.

In order to be fully responsive to this inquiry, we are currently reviewing and researching the matter. We will provide you with a more detailed reply as soon as possible.

Please be assured that [REDACTED] concerns will be reviewed and addressed in a fair and equitable manner.

Sincerely,


Deborah J. Spero
Assistant Commissioner
Human Resources Management

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DEPARTMENT OF THE TREASURY
U S CUSTOMS SERVICE

JAN 13 1998

ADM-2-HRM:H:OI: RC

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

Dear Senator Kerry:

This is in response to your letter dated November 10, 1997, on behalf of your constituent, [REDACTED], a Special Agent with the U.S. Customs Service. [REDACTED] requested a desk audit for [REDACTED] current position, and had contacted your office for assistance in obtaining the results. AL
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The evaluation of [REDACTED] position has been completed. After careful review of the information submitted, we have concluded that [REDACTED] position is properly classified as a Criminal Investigator, GS-1811-12. We are in the process of notifying [REDACTED] of the results of [REDACTED] desk audit.

We are pleased to be of assistance in answering your constituent's concerns. If you continue to have any questions concerning the matters addressed here, please do not hesitate to have a member of your staff contact [REDACTED], Classification Specialist, at (202) 927-2144.

Sincerely,

Deborah J. Spero

Deborah J. Spero
Assistant Commissioner
Human Resources Management