

105TH CONGRESS
2D SESSION

H. R. 4608

To reauthorize the Generalized System of Preferences, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1998

Mr. CRANE introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To reauthorize the Generalized System of Preferences, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXTENSION OF GENERALIZED SYSTEM OF**
4 **PREFERENCES.**

5 (a) EXTENSION OF DUTY-FREE TREATMENT UNDER
6 SYSTEM.—Section 505 of the Trade Act of 1974 (29
7 U.S.C. 2465) is amended by striking “June 30, 1998” and
8 inserting “June 30, 2000”.

9 (b) RETROACTIVE APPLICATION FOR CERTAIN LIQ-
10 UIDATIONS AND RELIQUIDATIONS.—

1 (1) IN GENERAL.—Notwithstanding section 514
2 of the Tariff Act of 1930 or any other provision of
3 law, and subject to paragraph (2), the entry—

4 (A) of an article to which duty-free treat-
5 ment under title V of the Trade Act of 1974
6 would have applied if such title had been in ef-
7 fect during the period beginning on July 1,
8 1998, and ending on the day before the date of
9 the enactment of this Act, and

10 (B) that was made after June 30, 1998,
11 and before the date of the enactment of this
12 Act,

13 shall be liquidated or reliquidated as free of duty,
14 and the Secretary of the Treasury shall refund any
15 duty paid with respect to such entry. As used in this
16 subsection, the term “entry” includes a withdrawal
17 from warehouse for consumption.

18 (2) REQUESTS.—Liquidation or reliquidation
19 may be made under paragraph (1) with respect to
20 an entry only if a request therefor is filed with the
21 Customs Service, within 180 days after the date of
22 the enactment of this Act, that contains sufficient
23 information to enable the Customs Service—

24 (A) to locate the entry; or

1 (B) to reconstruct the entry if it cannot be
2 located.

3 **SEC. 2. DUTY DRAWBACK FOR METHYL TERTIARY-BUTYL**
4 **ETHER (“MTBE”).**

5 (a) IN GENERAL.—Section 313(p)(3)(A)(i)(I) of the
6 Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is
7 amended by striking “and 2902” and inserting “2902,
8 and 2909.19.14”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall take effect on the date of the enactment
11 of this Act, and shall apply to drawback claims filed on
12 and after such date.

13 **SEC. 3. SUBSTITUTION OF FINISHED PETROLEUM DERIVA-**
14 **TIVES.**

15 (a) IN GENERAL.—Section 313(p)(1) of the Tariff
16 Act of 1930 (19 U.S.C. 1313(p)(1)) is amended in the
17 matter following subparagraph (C) by striking “the
18 amount of the duties paid on, or attributable to, such
19 qualified article shall be refunded as drawback to the
20 drawback claimant.” and inserting “drawback shall be al-
21 lowed as described in paragraph (4).”.

22 (b) REQUIREMENTS.—Section 313(p)(2) of such Act
23 (19 U.S.C. 1313(p)(2)) is amended—

24 (1) in subparagraph (A)—

1 (A) in clauses (i), (ii), and (iii), by striking
2 “the qualified article” each place it appears and
3 inserting “a qualified article”; and

4 (B) in clause (iv), by striking “an im-
5 ported’ and inserting “a”; and

6 (2) in subparagraph (G), by inserting “trans-
7 feror,” after “importer,”.

8 (c) QUALIFIED ARTICLE DEFINED, ETC.—Section
9 313(p)(3) of such Act (19 U.S.C. 1313(p)(3)) is amend-
10 ed—

11 (1) in subparagraph (A)—

12 (A) in clause (i)(II), by striking “liquids,
13 pastes, powders, granules, and flakes” and in-
14 serting “the primary forms provided under
15 Note 6 to chapter 39 of the Harmonized Tariff
16 Schedule of the United States”; and

17 (B) in clause (ii)—

18 (i) in subclause (I) by striking “or” at
19 the end;

20 (ii) in subclause (II) by striking the
21 period and inserting “, or”; and

22 (iii) by adding after subclause (II) the
23 following:

24 “(III) an article of the same kind
25 and quality as described in subpara-

1 graph (B), or any combination there-
2 of, that is transferred, as so certified
3 in a certificate of delivery or certifi-
4 cate of manufacture and delivery in a
5 quantity not greater than the quantity
6 of articles purchased or exchanged.

7 The transferred merchandise described in
8 subclause (III), regardless of its origin, so
9 designated on the certificate of delivery or
10 certificate of manufacture and delivery
11 shall be the qualified article for purposes
12 of this section. A party who issues a cer-
13 tificate of delivery, or certificate of manu-
14 facture and delivery, shall also certify to
15 the Commissioner of Customs that it has
16 not, and will not, issue such certificates for
17 a quantity greater than the amount eligible
18 for drawback and that appropriate records
19 will be maintained to demonstrate that
20 fact.”;

21 (2) in subparagraph (B), by striking “exported
22 article” and inserting “article, including an im-
23 ported, manufactured, substituted, or exported arti-
24 cle,”; and

1 (3) in the first sentence of subparagraph (C),
2 by striking “such article.” and inserting “either the
3 qualified article or the exported article.”.

4 (d) LIMITATION ON DRAWBACK.—Section
5 313(p)(4)(B) of such Act (19 U.S.C. 1313(p)(4)(B)) is
6 amended by inserting before the period at the end the fol-
7 lowing: “had the claim qualified for drawback under sub-
8 section (j)”.

9 (e) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect as if included in the amend-
11 ment made by section 632(a)(6) of the North American
12 Free Trade Agreement Implementation Act. For purposes
13 of section 632(b) of that Act, the 3-year requirement set
14 forth in section 313(r) of the Tariff Act of 1930 shall not
15 apply to any drawback claim filed within 6 months after
16 the date of the enactment of this Act for which that 3-
17 year period would have expired.

18 **SEC. 4. RELIQUIDATION OF CERTAIN NUCLEAR FUEL AS-**
19 **SEMBLIES.**

20 (a) IN GENERAL.—Notwithstanding section 514 of
21 the Tariff Act of 1930 (19 U.S.C. 1514) or any other pro-
22 vision of law, upon proper request filed with the Secretary
23 of the Treasury not later than 90 days after the date of
24 the enactment of this Act, the Secretary—

1 (1) shall reliquidate as free of duty the entries
2 listed in subsection (b); and

3 (2) shall refund any duties paid with respect to
4 such entry.

5 (b) **AFFECTED ENTRIES.**—The entries referred to in
6 subsection (a) are as follows:

Entry Number	Date of Entry	Date of Liquidation
062-2320014-5	01-16-96	06-07-96
062-2320085-5	02-13-96	07-12-96
839-4030989-7	01-25-96	10-10-97
839-4031053-1	12-02-96	10-17-97
839-4031591-0	01-21-97	12-05-97

7 **SEC. 5. LIQUIDATION OR RELIQUIDATION OF CERTAIN**
8 **WATER RESISTANT WOOL TROUSERS.**

9 (a) **IN GENERAL.**—Notwithstanding section 514 of
10 the Tariff Act of 1930 (19 U.S.C. 1514) or any other pro-
11 vision of law, upon proper request filed with the Secretary
12 of the Treasury not later than 90 days after the date of
13 the enactment of this Act, the Secretary—

14 (1) shall reliquidate as free of duty the entries
15 listed in subsection (b); and

16 (2) shall refund any duties paid with respect to
17 such entry.

18 (b) **AFFECTED ENTRIES.**—The entries referred to in
19 subsection (a) are as follows:

Entry Number	Date of Entry
901-0243655-8	September 18, 1989
901-0243861-2	October 16, 1989
901-0244072-5	November 12, 1989
901-0246043-4	August 30, 1990
901-0246421-2	November 2, 1990

Entry Number	Date of Entry
901-0246482-4	November 11, 1990
901-0251209-3	October 26, 1992
901-0060944-6	November 12, 1993

1 **SEC. 6. DUTY ON CERTAIN IMPORTATIONS OF MUESLIX CE-**
2 **REALS.**

3 (a) BEFORE JANUARY 1, 1996.—Notwithstanding
4 section 514 of the Tariff Act of 1930 (19 U.S.C. 1514)
5 or any other provision of law, upon proper request filed
6 with the Customs Service before the 90th day after the
7 date of the enactment of this Act, any entry or withdrawal
8 from warehouse for consumption made after December 31,
9 1991, and before January 1, 1996, of mueslix cereal,
10 which was classified under the special column rate applica-
11 ble for Canada in subheading 2008.92.10 of the Har-
12 monized Tariff Schedule of the United States—

13 (1) shall be liquidated or reliquidated as if the
14 special column rate applicable for Canada in sub-
15 heading 1904.10.00 of such Schedule applied at the
16 time of such entry or withdrawal; and

17 (2) any excess duties paid as a result of such
18 liquidation or reliquidation shall be refunded, includ-
19 ing interest at the appropriate applicable rate.

20 (b) AFTER DECEMBER 31, 1995.—Notwithstanding
21 section 514 of the Tariff Act of 1930 (19 U.S.C. 1514)
22 or any other provision of law, upon proper request filed
23 with the Customs Service before the 90th day after the

1 date of the enactment of this Act, any entry or withdrawal
2 from warehouse for consumption made after December 31,
3 1995, and before January 1, 1998, of mueslix cereal,
4 which was classified under the special column rate applica-
5 ble for Canada in subheading 1904.20.10 of the Har-
6 monized Tariff Schedule of the United States—

7 (1) shall be liquidated or reliquidated as if the
8 special column rate applicable for Canada in sub-
9 heading 1904.10.00 of such Schedule applied at the
10 time of such entry or withdrawal; and

11 (2) any excess duties paid as a result of such
12 liquidation or reliquidation shall be refunded, includ-
13 ing interest at the appropriate applicable rate.

14 **SEC. 7. EXPANSION OF FOREIGN TRADE ZONE NO. 143.**

15 (a) **EXPANSION OF FOREIGN TRADE ZONE.**—The
16 Foreign Trade Zones Board shall expand Foreign Trade
17 Zone No. 143 to include areas in the vicinity of the Chico
18 Municipal Airport in accordance with the application sub-
19 mitted by the Sacramento-Yolo Port District of Sac-
20 ramento, California, to the Board on March 11, 1997.

21 (b) **OTHER REQUIREMENTS NOT AFFECTED.**—The
22 expansion of Foreign Trade Zone No. 143 under sub-
23 section (a) shall not relieve the Port of Sacramento of any
24 requirement under the Foreign Trade Zones Act, or under

1 regulations of the Foreign Trade Zones Board, relating
2 to such expansion.

3 **SEC. 8. CUSTOMS USER FEES.**

4 (a) **ADDITIONAL PRECLEARANCE ACTIVITIES.**—Sec-
5 tion 13031(f)(3)(A) of the Consolidated Omnibus Budget
6 Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)(A)) is
7 amended—

8 (1) in clause (ii) by striking “and” at the end;

9 (2) by redesignating clause (iii) as clause (iv);

10 (3) by inserting after clause (ii) the following:

11 “(iii) to the extent funds remain avail-
12 able after making reimbursements under
13 clause (ii), in providing salaries for up to
14 50 full-time equivalent inspectional posi-
15 tions to provide preclearance services,
16 and”; and

17 (4) in clause (iv), as so redesignated, by strik-
18 ing “clause (ii)” and inserting “clauses (ii) and
19 (iii)”.

20 (b) **COLLECTION OF FEES FOR PASSENGERS ABOARD**
21 **COMMERCIAL VESSELS.**—Section 13031 of the Consoli-
22 dated Omnibus Budget Reconciliation Act of 1985 (19
23 U.S.C. 58c) is amended—

24 (1) in subsection (a), by amending paragraph

25 (5) to read as follows:

1 “(5)(A) Subject to subparagraph (B), for the
2 arrival of each passenger aboard a commercial vessel
3 or commercial aircraft from a place outside the
4 United States (other than a place referred to in sub-
5 section (b)(1)(A)(i) of this section), \$5.

6 “(B) For the arrival of each passenger aboard
7 a commercial vessel from a place referred to in sub-
8 section (b)(1)(A)(i) of this section, \$1.”; and

9 (2) in subsection (b)(1)(A), by striking “(A) No
10 fee” and inserting “(A) Except as provided in sub-
11 section (a)(5)(B) of this section, no fee”.

12 (c) USE OF MERCHANDISE PROCESSING FEES FOR
13 AUTOMATED COMMERCIAL SYSTEMS.—Section 13031(f)
14 of the Consolidated Omnibus Budget Reconciliation Act
15 of 1985 (19 U.S.C. 58c(f)) is amended by adding at the
16 end the following:

17 “(6) Of the amounts collected in fiscal year 1999
18 under paragraphs (9) and (10) of subsection (a),
19 \$50,000,000 shall be available to the Customs Service,
20 subject to appropriations Acts, for automated commercial
21 systems. Amounts made available under this paragraph
22 shall remain available until expended.”.

23 (d) ADVISORY COMMITTEE.—Section 13031 of the
24 Consolidated Omnibus Budget Reconciliation Act of 1985

1 (19 U.S.C. 58c) is amended by adding at the end the fol-
2 lowing:

3 “(k) **ADVISORY COMMITTEE.**—The Commissioner of
4 Customs shall establish an advisory committee whose
5 membership shall consist of representatives from the air-
6 line, cruise ship, and other transportation industries who
7 may be subject to fees under subsection (a). The advisory
8 committee shall not be subject to termination under sec-
9 tion 14 of the Federal Advisory Committee Act. The advi-
10 sory committee shall meet on a periodic basis and shall
11 advise the Commissioner on issues related to the perform-
12 ance of the inspectional services of the United States Cus-
13 toms Service. Such advice shall include, but not be limited
14 to, such issues as the time periods during which such serv-
15 ices should be performed, the proper number and deploy-
16 ment of inspection officers, the level of fees, and the ap-
17 propriateness of any proposed fee. The Commissioner shall
18 give consideration to the views of the advisory committee
19 in the exercise of his or her duties.”.

20 **SEC. 9. MARKING OF CERTAIN SILK PRODUCTS AND CON-**
21 **TAINERS.**

22 (a) **IN GENERAL.**—Section 304 of the Tariff Act of
23 1930 (19 U.S.C. 1304) is amended—

1 (1) by redesignating subsections (h), (i), (j),
2 and (k) as subsections (i), (j), (k), and (l), respec-
3 tively; and

4 (2) by inserting after subsection (g) the follow-
5 ing new subsection:

6 “(h) MARKING OF CERTAIN SILK PRODUCTS.—The
7 marking requirements of subsections (a) and (b) shall not
8 apply either to—

9 “(1) articles provided for in subheading
10 6214.10.10 of the Harmonized Tariff Schedule of
11 the United States, as in effect on January 1, 1997;
12 or

13 “(2) goods provided for in heading 5007 of the
14 Harmonized Tariff Schedule of the United States, as
15 in effect on January 1, 1997.”.

16 (b) CONFORMING AMENDMENT.—Section 304(j) of
17 such Act, as redesignated by subsection (a)(1) of this sec-
18 tion, is amended by striking “subsection (h)” and insert-
19 ing “subsection (i)”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section apply to goods entered, or withdrawn from
22 warehouse for consumption, on or after the date of the
23 enactment of this Act.

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