

merchandise by reason of its importation, or the refund, rebate, or drawback thereof. It also includes the preparation of documents or forms in any format and the electronic transmission of documents, invoices, bills, or parts thereof, intended to be filed with the Customs Service in furtherance of such activities, whether or not signed or filed by the preparer, or activities relating to such preparation, but does not include the mere electronic transmission of data received for transmission to Customs.

As Customs has focussed on the development of regulations to implement the Customs broker provisions of the "Mod Act," it has become clear that there are different opinions on how the definition of "customs business" in 19 U.S.C. 1641, should be interpreted. Based on the language of the statute, discussion in the legislative history of the "Mod Act," and input received from the trade community, Customs set forth its understanding of the term in a draft proposed regulatory document that was posted on the Customs Electronic Bulletin Board (CEBB) on October 7, 1996, and subsequently, on the Customs Web site.

To share its understanding of "customs business" with interested parties and give those parties an opportunity to ask questions and express their reactions and interpretations in an environment conducive to meaningful dialogue, Customs has decided to hold a public meeting. It is anticipated that different trade interests (including, but not limited to brokers, consultants, attorneys, accountants, carriers, drawback preparers, and foreign trade zone operators) will come prepared to discuss perceived rights and obligations of licensed Customs brokerage businesses and individual brokers and perceived limitations on activities that unlicensed individuals can perform on behalf of clients. Because seating is limited, reservations will be required. Persons planning to attend are requested to notify Mr. Dale Snell by FAX at (202) 482-6994 or by phone at (202) 482-6987.

Dated: December 17, 1996.

John Durant,

Director, "Mod Act" Task Force.

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### Review of Interim List of Records Required to be Maintained and Produced Under 19 U.S.C. 1509(a)(1)(a)

AGENCY: U.S. Customs Service, Department of the Treasury.

**ACTION:** General Notice of plan to review Interim "(a)(1)(A) list".

**SUMMARY:** An interim list of entry records or entry information required to be maintained and produced under section 509(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(1)(A)), as amended by title VI of the North American Free Trade Agreement Implementation Act, was published in the Customs Bulletin on January 3, 1996, and subsequently reproduced in the Federal Register on July 15, 1996. Since publication of the list, the Customs Service has received numerous comments suggesting that the content of its Interim (a)(1)(A) list is excessive. In response to these comments, Customs has initiated a project intended to remove from the list any and all entry records and information requirements that are clearly unnecessary in today's environment. To assist it in achieving this objective, Customs is soliciting input from businesses impacted by the (a)(1)(A) list, trade associations, and other agencies.

**DATES:** Comments must be received on or before January 23, 1997.

**ADDRESSES:** Comments in triplicate should be addressed to the Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue NW (Franklin Court), Washington, D.C. 20229, Attention: (a)(1)(A) List Review Project. Comments may be inspected at the Office of Regulations and Rulings, Suite 4000W, 1099 14th Street NW, Washington, DC 20005. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Stuart Seidel, Assistant Commissioner, Office of Regulations and Rulings at (202) 482-6920 or Jerry Laderberg, Chief, Entry Procedures & Carriers Branch, Office of Regulations and Rulings at (202) 482-6940.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 509(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(1)(A)) as amended by section 615 of title VI of the North American Free Trade Agreement Implementation Act (generally referred to as the "Customs Modernization Act") requires the maintenance and production of a record if "such record is required by law or regulation for the

entry of merchandise (whether or not the Customs Service required its presentation at the time of entry)." Section 509 contains a new subsection (e) which requires the Customs Service to identify and publish a list of records or entry information that is required to be maintained and produced under section 509(a)(1)(A)—commonly referred to as "the (a)(1)(A) list." On September 12, 1994, Customs invited comments on a "proposed" (a)(1)(A) list that it posted on the Customs Electronic Bulletin Board. Subsequently, on September 21, 1994, Customs published a Customs Bulletin containing this same list and invitation for comments. Eleven comments were received. After reviewing these comments and modifying its "proposed" (a)(1)(A) list, the Customs Service published an Interim (a)(1)(A) list in the Customs Bulletin on January 3, 1996. This same list was posted on the Customs Electronic Bulletin Board on January 4, 1996, and it was reproduced in the Federal Register on July 15, 1996.

Recognizing that almost one year has passed since publication of its Interim (a)(1)(A) list and in response to a significant number of comments suggesting that the list contains too many records, Customs is undertaking a complete review of the list and the underlying regulations. Customs objective is to remove from the list any and all records and information requirements that are clearly unnecessary in today's environment. To assist it in achieving this objective, Customs is soliciting input from businesses impacted by the (a)(1)(A) list, trade associations, and other agencies.

Customs interest is not in receiving general comments recommending that particular record or information requirements be eliminated from the list. Customs interest is in receiving comments that specifically identify why a particular record or information requirement can be eliminated from the (a)(1)(A) list without modification of existing statutes. In the conduct of its review, the Customs Service intends to reconsider comments previously submitted. Accordingly, resubmission of such comments will be unnecessary.

Dated: December 18, 1996.

Stuart P. Seidel,

Assistant Commissioner, Office of Regulations and Rulings.

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