

DEPARTMENT OF THE TREASURY

Customs Service

Harbor Maintenance Fee No Longer To Be Collected on Cargo Loaded for Export

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

ACTION: General notice.

SUMMARY: This document announces that as of April 25, 1998, Customs will no longer be collecting the Harbor Maintenance Fee for cargo loaded on board a vessel for export at a port subject to the Harbor Maintenance Fee. Further, this document announces that protest procedures are inapplicable to refund claims for export-related Harbor Maintenance Fees.

EFFECTIVE DATE: April 25, 1998.

FOR FURTHER INFORMATION CONTACT: Patricia Barbare, Operations Management Specialist, Budget Division, (202) 927-0034.

SUPPLEMENTARY INFORMATION:**Background**

The Harbor maintenance Fee was created by the Water Resources Development Act of 1986 (26 U.S.C. 4461 *et seq.*) (the Act) and is implemented by § 24.24 of the Customs Regulations (19 CFR 24.24). The fee, pursuant to the Act and as implemented by the regulations was to be assessed on port use associated with imports, exports, and movements of cargo and passengers between identified ports and paid to the U.S. Customs Service.

On March 31, 1998, the Supreme Court in *United States, Petitioner v. United*

States Shoe Corporation

US_____, No. 97-372 declared that the Harbor Maintenance Fee is unconstitutional as applied to exports. Consequently, as of April 25, 1998, the United States Customs Service will no longer be collecting the Harbor Maintenance Fee for port use associated with exports.

The Supreme Court also affirmed the decision of the lower courts that protest procedures are inapplicable to refund claims for export-related Harbor Maintenance Fees. The public is hereby advised that the Customs Service will not decide or respond to any protest alleging that the export-related Harbor Maintenance Fees are prohibited by the Export Clause of the United States Constitution. Any person who previously received correspondence from Customs concerning any such protests should disregard such correspondence and will not receive further communications regarding such protests.

Pursuant to a court order issued by the United States Court of International Trade in the case *United States Shoe Corp. v. The United States* (Court No. 94-11-0068), dated April 6, 1998, the government will design a claim form for refund claims and the claim form process will apply to all claims filed within the 2-year statute of limitations applicable to 28 U.S.C. § 1581(i) cases.

Dated: April 28, 1998.

Samuel H. Banks,

Acting Commissioner of Customs.

[FR Doc. 98-11644 Filed 4-30-98; 8:45 am]

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UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects on the list specified below, to be included in the exhibit, "Bonnard" See list)¹, imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a long agreement with the foreign lenders. I also determine that the exhibition or display of the listed exhibit objects at The Museum of Modern Art, New York, New York, from on or about June 21, 1998, to on or about October 13, 1998, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

Dated: April 24, 1998.

Les Jin,

General Counsel.

[FR Doc. 98-11532 Filed 4-30-98; 8:45 am]

BILLING CODE 8230-01-M

¹ A copy of this list may be obtained by contacting Ms. Jacqueline Caldwell, Assistant General Counsel, at 202/619-6982, and the address is Room 700, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547-0001.