

105TH CONGRESS  
2D SESSION

# H. R. 4608

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1998

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

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## 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.

○