

# Atlanta International Forwarders and Brokers Association

*July 10, 2018*

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Do you have questions about importing/exporting?  
<http://www.GRcustomslaw.com>

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Customs & International Trade Law Blog**

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TUESDAY, JUNE 12, 2012

**New CBP Regulation for Suspected Counterfeit Merchandise**

  
Peter Quinter

Finally, after years of debate, on April 24, 2012, CBP amended its regulations regarding the detention and seizure of suspected imported counterfeit merchandise. In my opinion, it provides a good balance between the rights of legitimate importers, and the need for CBP to examine, detain, and seize merchandise that violates the trademark rights of companies that have registered their trademarks with the U.S. Patent and Trademark Office and then recorded those trademarks with CBP. The interim rule is entitled "Disclosure of Information for Certain Intellectual Property Rights Enforced at the Border," and amends 19 CFR Parts 133 and 151.

[In summary, here are the important changes:](#)

1. Merchandise may be detained by CBP for up to 30 days from the date the merchandise is presented for examination to CBP.
2. The U.S. importer will receive written notification from CBP within 5 days of the detention of the merchandise by CBP.
3. The U.S. importer then has 7 days to establish to CBP's satisfaction that the detained merchandise is not counterfeit.
4. CBP may provide to the trademark owner, at any time, written notice of the date

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# TOPICS

1. Trump's Section 301 China Tariffs
2. Anti-Dumping Duties
3. CBP Forms 28 and 29

## Priority Trade Issues

Priority Trade Issues (PTIs) represent high-risk areas that can cause significant revenue loss, harm the U.S. economy, or threaten the health and safety of the American people. They drive risk-informed investment of CBP resources and enforcement and facilitation efforts, including the selection of audit candidates, special enforcement operations, outreach, and regulatory initiatives.

Current Priority Trade Initiatives:

- Agriculture and Quota
- Antidumping and Countervailing Duty (AD/CVD)
- Import Safety
- Intellectual Property Rights
- Revenue
- Textiles/Wearing Apparel
- Trade Agreements

Comprehensive trade enforcement efforts in these areas continue to protect the U.S. from risk of significant revenue loss, economic risk to U.S. industry, and health and safety concerns.

# Questions??



## **19 CFR § 151.11 Request for samples or additional examination packages after release of merchandise.**

If an authorized CBP official requires samples or additional examination packages of merchandise which has been released from CBP custody, an authorized CBP official will send the [importer](#) a written request, on [Customs Form 28](#), or its electronic equivalent, Request for Information, or other appropriate form, to submit the necessary samples or packages. If the request is not promptly complied with, the [port director](#) may make a demand under the bond for the return of the necessary merchandise to CBP custody in accordance with [§ 141.113](#) of this chapter.



## Steel Wire Garment Hangers from People's Republic Of China (A-570-918)

### Scope Description:

The merchandise that is subject to the order is steel wire garment hangers, fabricated from carbon steel wire, whether or not galvanized or painted, whether or not coated with latex or epoxy or similar gripping materials, and/or whether or not fashioned with paper covers or capes (with or without printing) and/or nonslip features such as saddles or tubes. These products may also be referred to by a commercial designation, such as shirt, suit, strut, caped, or latex (industrial) hangers. Specifically excluded from the scope of the order are wooden, plastic, and other garment hangers that are not made of steel wire. Also excluded from the scope of the order are chrome-plated steel wire garment hangers with a diameter of 3.4 mm or greater. The products subject to the order are currently classified under U.S. Harmonized Tariff Schedule (“HTS”) subheadings 7326.20.0020, 7323.99.9060, and 7323.99.9080.



DEPARTMENT OF HOMELAND SECURITY  
U.S. Customs and Border Protection

OMB No. 1651-0023  
Exp. 09-30-2019

**REQUEST FOR INFORMATION**  
19 CFR 151.11

3. Manufacturer/Seller/Shipper		4. Carrier		1. Date of Request 01/29/2018	
5a. Invoice Description of Merchandise wire garment hangers		5b. Invoice No.		2. Date of Entry and Importation 12/01/2017 12/01/2017	
7. Country of Origin/Exportation LK LK		8. CBP Broker and Reference or File No.		5. Entry No.	
9. TO:		10. FROM: Suzanna Schultz U.S. Customs and Border Protection 726 Exchange St Stw 400 Buffalo, NY 14210-1400 US		6. HTSUS Item No.	
Production of Documents and/or Information Required by Law: If you have provided the information requested on this form to U.S. Customs and Border Protection at other ports, please indicate the port of entry to which it was supplied, and furnish a copy of your reply to this office, if possible.		11a. Port 3901		11b. Date Information Furnished	
<b>General Information and Instructions</b>					
12. Please Answer Indicated Question(s)			13. Please Furnish Indicated Item(s)		
<input checked="" type="checkbox"/> A. Are you related (see reverse) in any way to the seller of this merchandise? If you are related, please describe the relationship, and explain how this relationship affects the price paid or payable for the merchandise.			<input checked="" type="checkbox"/> A. Copy of contract (or purchase order and seller's confirmation thereof) covering this transaction, and any revisions thereto.		
<input checked="" type="checkbox"/> B. Identify and give details of any additional costs/expenses incurred in this transaction, such as: <input checked="" type="checkbox"/> (1) packing <input checked="" type="checkbox"/> (2) commissions <input checked="" type="checkbox"/> (3) proceeds that accrue to the seller <input checked="" type="checkbox"/> (4) assists <input checked="" type="checkbox"/> (5) royalties and/or license fees			<input type="checkbox"/> B. Descriptive or illustrative literature or information explaining what the merchandise is, where and how it is used, and exactly how it operates.  <input type="checkbox"/> C. Breakdown of components, materials, or ingredients by weight and the actual cost of the components at the time of assembly into the finished article.  <input type="checkbox"/> D. Submit samples: Article number and description _____ from container _____ mark(s) and number _____ Samples consumed in analysis, and other samples whose return is not specifically requested, will not normally be returned.  <input checked="" type="checkbox"/> E. See item 14 below.		
14. CBP Officer Message See continuation sheet					
15. Reply Message (Use additional sheets if more space is needed.)					
16. CERTIFICATION It is required that an appropriate corporate/company official execute this certificate and/or endorse all correspondence in response to the information requested. (NOTE: NOT REQUIRED IF FOREIGN FIRM COMPLETES THIS FORM.)					
I hereby certify that the information furnished herewith or upon this form in response to this inquiry is true and correct, and that any samples provided were taken from the shipment covered by this entry.		16a. Name and Title/Position of Signer (Owner, Importer, or Corporate/Company Official)		16b. Signature	
				16c. Telephone No.	
				16d. Date	
17. CBP Official Suzanna Schultz		18. Team Designation 085		19. Telephone No. 716-843-8356	
20. Fax No.		21. Email suzanna.schultz@cbp.dhs.gov			

CBP Form 28 (06/14)

DEPARTMENT OF HOMELAND SECURITY  
U.S. Customs and Border Protection

OMB No. 1651-0023  
Exp. 06-30-2016

**REQUEST FOR INFORMATION**  
Continuation Page

3. Manufacturer/Seller/Shipper		4. Carrier		1. Date of Request 01/29/2018	
5a. Invoice Description of Merchandise wire garment hangers		5b. Invoice No.		2. Date of Entry and Importation 12/01/2017 12/01/2017	
7. Country of Origin/Exportation LK LK		8. CBP Broker and Reference or File No.		5. Entry No.	
14. CBP Officer Message After reviewing the response provided for entry production of the wire hangers, CBP is requesting additional information related to the production of the wire hangers.  For the wire used in the production of the hangers, please provide the mill test certification for the wire from _____, including the dated receipt with signature of the wire at _____. Provide the factory production records, including stamped time cards, work orders, purchase orders for the received wire produced into the final shipment of hangers at _____. Include reference to the packaging and labeling as well and the transport documents to the port of loading. Additionally provide the Master Bill of Lading for this shipment.  In addition, submit documentation including the dated transportation documents from _____, including the dated receipt with signature of the wire at _____. Provide the factory production records, including stamped time cards, work orders, purchase orders for the received wire produced into the final shipment of hangers at _____. Include reference to the packaging and labeling as well and the transport documents to the port of loading. Additionally provide the Master Bill of Lading for this shipment.					
17. CBP Official Suzanna Schultz		18. Team Designation 085		19. Telephone No. 716-843-8356	
20. Fax No.		21. Email suzanna.schultz@cbp.dhs.gov			

CBP Form 28 (06/14)

## Centers of Excellence and Expertise Directory

Below are the numbers to reach our Centers of Excellence and Expertise (Centers) organized by their trade focus. Please use this as a reference as it has the most up-to-date listing available.

The Centers have a sequence of team codes. In order to achieve a level of uniformity among all ten Centers and to provide for transparency, all Centers utilize the team codes in a similar manner. This provides consistency for the trade, the Centers, and the Ports.

Center	Team Code Assignments
Agriculture & Prepared Products	002, 012, 022, 032, 042, 052, 062, 072, 082, 092
Apparel, Footwear & Textiles	004, 014, 024, 034, 044, 054, 064, 074, 084, 094
Automotive & Aerospace	003, 013, 023, 033, 043, 053, 063, 073, 083, 093
Base Metals	005, 015, 025, 035, 045, 055, 065, 075, 085, 095
Consumer Products & Mass Merchandising	008, 018, 028, 038, 048, 058, 068, 078, 088, 098
Electronics	007, 017, 027, 037, 047, 057, 067, 077, 087, 097
Industrial & Manufacturing Materials	009, 019, 029, 039, 049, 059, 069, 079, 089, 099
Machinery	010, 020, 030, 040, 050, 060, 070, 080, 090, 180
Petroleum, Natural Gas & Minerals	006, 016, 026, 036, 046, 056, 066, 076, 086, 096
Pharmaceuticals, Health & Chemicals	001, 011, 021, 031, 041, 051, 061, 071, 081, 091

There was steel wire imported from China to Sri Lanka at tariff classification 7217.20.2000, and processed into hangers at HTSUS 7326.20.0000. The steel wires were substantially transformed into hangars, and shipped to the United States. There are numerous CBP Rulings discussing exactly this situation.

# Antidumping and Countervailing Duties



## CBP finds duty evasion in wire hanger imports investigation

Recent CBP investigations found “substantial evidence” that Chinese-manufactured wire hangers have evaded U.S. antidumping duties by transshipping through Thailand.

CBP conducted an on-site visit of the Thai shipper and reviewed related trade data. This led the agency to determine that the U.S. importer had received the duty-evading Chinese-made wire hangers via Thailand.

Following this investigation, M&B Metal Products Co., the only U.S. producer of wire hangers, filed an additional eight duty evasion allegations involving the transshipment of wire hangers through Malaysia.

CBP issued a consolidated notice for the decision on interim measures in those investigations, finding a “reasonable suspicion” of antidumping duty evasion.

The combined wire hanger investigations resulted in CBP preventing evasion of over \$33 million dollars in unpaid antidumping duties annually.

<https://www.cbp.gov/newsroom/national-media-releases/us-customs-and-border-protection-exercises-capa-authority-launches>

## Former president of tire company indicted for fraudulently avoiding nearly \$10 million in taxes

The former president of a Streetsboro, Ohio tire company and two others were named in a 51-count indictment for allegedly filing fraudulent paperwork to avoid paying nearly \$10 million in taxes and tariffs.

They are charged with conspiracy to defraud the United States of America, entry of goods by means of false statement and smuggling goods into the United States.

The company was in the business of importing tires from China, India, and other international suppliers. The company served as a middleman between the foreign supplier and domestic retailer, according to the indictment.

The Commerce Department’s antidumping duty Order established import duties on certain Chinese tires at a rate of up to 210 percent. But certain importers and manufacturers were given exemptions or lower tax rates.

From 2009 through 2013, the company submitted fraudulent and altered invoices to Customs and Border Protection to lower the duty they were required to pay for importing tires.

Specifically, they presented fraudulent invoices and physically altered invoices to make it appear the tires were being shipped from companies that had a lower duty rate, so the duty rate was lowered from 210 percent to 12.9 percent, according to the indictment.

By submitting approximately 176 false entry summaries, the U.S. was deprived of more than \$9.7 million in revenue, according to the indictment.

<https://www.justice.gov/usao-ndoh/pr-former-president-streetsboro-tire-company-indicted-fraudulently-avoiding-nearly-10>



## Former president of Streetsboro tire company indicted for fraudulently avoiding nearly \$10 million in taxes

The former president of a Streetsboro company was named in a 51-count indictment for allegedly filing fraudulent paperwork to avoid paying nearly \$10 million in taxes and tariffs, said Acting U.S. Attorney David A. Sierleja.

Indicted are: James Pearl, 61, and Doreen Pearl, both of Mt. Pleasant, South Carolina, and Shuang "Lucia" Liu, 32, of China.

They are charged with conspiracy to defraud the United States of America, entry of goods by means of false statement and smuggling goods into the United States.

James Pearl was president of Pro-Trac Tires LLC. Doreen Pearl was an employee of the company, located at 555 Frost Road in Streetsboro. The company was in the business of importing tires from China, India and other international suppliers. The company served as a middleman between the foreign supplier and domestic retailer, according to the indictment.

Liu worked for Qingdao Au-Shine Tyre Co. (Au Shine), a tire exporting company located in China. Liu was the point of contact for Au-Shine's foreign accounts filled orders, coordinated exportation and received wire transfers of payments, according to the indictment.

The Commerce Department's Anti-Dumping Order, amended in 2008, established import taxes on certain Chinese tires at a rate of up to 210 percent. But certain importers and manufacturers were given exemptions or lower tax rates.

From 2009 through 2013, the Pearls and Liu submitted fraudulent and altered invoices to Customs and Border Patrol to lower the taxable duty Pro-Trac was required to pay for importing tires from Au-Shine, according to the indictment.

Specifically, the Pearls and Liu presented fraudulent invoices and physically altered invoices to make it appear the tires were being shipped from companies that had exemptions, so Pro-Trac's duty tax rate was lowered from 210 percent to 12.9 percent, according to the indictment.

By submitting approximately 176 false entry summaries, the U.S. was deprived of more than \$9.7 million in revenue, according to the indictment.

The Pearls and Liu are scheduled to be arraigned in Ohio on July 12.

The matter is being prosecuted by Assistant U.S. Attorney Duncan T. Brown following an investigation by the Department of Homeland Security – Homeland Security Investigations.

An indictment is only a charge and is not evidence of guilt. A defendant is entitled to a fair trial in which it will be the United States of America's burden to prove each defendant's guilt beyond a reasonable doubt.

If convicted, a defendant's sentence will be determined by the court after review of factors unique to this case, including the defendants' prior criminal record, if any, the defendants' roles in the offense and the characteristics of the violations.

## Don't be Surprised, but.....

Q: I paid the AD/CVD duties due when I imported goods into the United States. Do I have any further AD/CVD liability on that import?

A: The AD/CVD paid at the time of entry are cash deposits of estimated AD/CVD duties. The final amount of duties owed is not determined until Commerce conducts an administrative review to establish the final AD/CVD rates on past entries. The final AD/CVD amount may increase, decrease, or stay the same from the AD/CVD cash deposit paid at the time of entry. After Commerce sends instructions to CBP on the final AD/CVD rate for the entry, CBP will assess this final duty. CBP will issue a bill for any increase in duty, and refund any decrease of duty. On average, this entire process, from the date of importation, takes approximately three years.

1300 Pennsylvania Avenue NW  
Washington, DC 20229



U.S. Customs and  
Border Protection

July 2, 2018

**PUBLIC VERSION**

EAPA Case Number: 7208

Charles Duan, President  
Ceka Nutrition Inc.  
13895 Plumrose Place  
Chino Hills, CA 91709-5935

David M. Schwartz  
On behalf of Geo Specialty Chemicals, Inc.  
Thompson Hine LLP  
1919 M St. NW, Suite 700  
Washington, D.C. 20036

Re: **Notice of Final Determination as to Evasion**



To Mr. Duan and Mr. Schwartz:

Pursuant to an examination of the record in Enforce and Protect Act (“EAPA”) Investigation Number 7208, U.S. Customs and Border Protection (“CBP”) has determined that there is substantial evidence that Ceka Nutrition Inc. (“Ceka”) entered merchandise covered by antidumping (“AD”) duty order A-570-836<sup>1</sup> into the customs territory of the United States through evasion. Specifically, substantial evidence demonstrates that Ceka imported glycine from the People’s Republic of China (“China”) that was transshipped through Cambodia to the United States. Ceka did not declare the merchandise was subject to an AD order upon entry and, as a result, no cash deposits were applied to the merchandise.

**Actions Taken Pursuant to the Affirmative Determination of Evasion**

In light of CBP's determination that Ceka entered merchandise into the customs territory of the United States through evasion, and pursuant to 19 U.S.C. §1517(d) and 19 C.F.R. §165.28, CBP will continue to suspend the liquidation for any entry that has entered on or after August 28, 2017, the date of initiation of this investigation. CBP will continue to extend the period for liquidation for all unliquidated entries that entered before that date until instructed to liquidate these entries. For future entries, CBP will continue to require live entry, which requires that the importer post the applicable cash deposits prior to the entry's release. Finally, CBP will evaluate the continuous bond of the importer in accordance with CBP's policies, and require single transaction bonds as appropriate. None of the above actions preclude CBP or other agencies from pursuing additional enforcement actions or penalties.

Sincerely,



Carrie L. Owens  
Director of Enforcement Operations  
Trade Remedy & Law Enforcement Directorate  
Office of Trade

April 25, 2018

U.S. CUSTOMS AND BORDER PROTECTION

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Customs Broker License Examination

19. Company A imported seven ball bearings with integral shafts from Germany, which are classified under subheading 8482.10.1080, Harmonized Tariff Schedule of the United States, at a 2.4 percent *ad valorem* duty rate and are subject to antidumping duties. The ball bearings are shipped by air and formally entered at John F. Kennedy International Airport. The total value of the shipment is \$5,798.00. The applicable antidumping duty cash deposit rate is 68.89 percent. What are the total amount of fees and estimated duties that should be reported on CBP Form 7501?

- A. \$4,019.24
- B. \$3,994.24
- C. \$4133.39
- D. \$4,158.39
- E. \$164.15

## 19 CFR § 152.2 Notification to importer of increased duties.

If the Center director believes that the entered rate or value of any merchandise is too low, or if he finds that the quantity imported exceeds the entered quantity, and the estimated aggregate of the increase in duties on that entry exceeds \$15, he shall promptly notify the importer on Customs Form 29, or its electronic equivalent specifying the nature of the difference on the notice. Liquidation shall be made promptly and shall not be withheld for a period of more than 20 days from the date of mailing of such notice unless in the judgment of the Center director there are compelling reasons that would warrant such action.

**NOTICE OF ACTION**  
19 CFR 152.2

# Notice of Action CBP Form 29

<b>This is NOT A Notice of Liquidation</b>			1. DATE OF THIS NOTICE 03/26/2018
2. CARRIER	3. DATE OF IMPORTATION	4. DATE OF ENTRY 05/09/2017	5. ENTRY NO.
6. MFR/SELLER/SHIPPER	7. COUNTRY CN	8. CBP BROKER AND FILE NO.	
9. DESCRIPTION OF MERCHANDISE Wire Hangers			
10. TO ▶		11. FROM ▶ Mark Marrano U.S. Customs and Border Protection 1 E Bay St Savannah, GA 31401-1224 US	
12. THE FOLLOWING ACTION, WHICH WILL RESULT IN AN INCREASE IN DUTIES, --			
<input type="checkbox"/> IS <b>PROPOSED</b>		▶ IF YOU DISAGREE WITH THIS PROPOSED ACTION, PLEASE FURNISH YOUR REASON IN WRITING TO THIS OFFICE WITHIN 20 DAYS FROM THE DATE OF THIS NOTICE. AFTER 20 DAYS, THE ENTRY WILL BE EITHER LIQUIDATED AS PROPOSED OR CHANGED AS PROPOSED.	
<input checked="" type="checkbox"/> HAS BEEN <b>TAKEN</b>		▶ THE ENTRY IS IN THE LIQUIDATION PROCESS AND IS NOT AVAILABLE FOR REVIEW IN THIS OFFICE.	
TYPE OF ACTION		A. <input checked="" type="checkbox"/> RATE ADVANCE B. <input type="checkbox"/> VALUE ADVANCE C. <input type="checkbox"/> EXCESS <input type="checkbox"/> WEIGHT <input type="checkbox"/> QUANTITY D. <input checked="" type="checkbox"/> OTHER (See below)	
13. EXPLANATION (REFER TO ACTION LETTER DESIGNATIONS ABOVE) <small>This office has reviewed the response to the CBPF 28, request for production records that was issued 12/20/2017. The information received was not sufficient to prove Sri Lanka as the origin of wire hangers. Therefore, this merchandise deemed subject to ACD case. wire garment hangers from China at the all other rate of 187.25%. The required entry type for this merchandise is "03" ADD entry, case with the calculated ADD rate of 187.25%.</small>			
<small>For those entries where GSP has been claimed, consumption duties have been added.</small>			
<small>The following entries are subject to anti-dumping with deposit rate and require consumption duty for false GSP claim:</small>			
14. CBP OFFICIAL Mark Marrano <i>Mark Marrano</i>		15. TEAM DESIGNATION 055	16. TELEPHONE 912-447-9417
17. FAX NUMBER		18. EMAIL mark.c.marrano@cbp.dhs.gov	



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**ANTIDUMPING AND COUNTERVAILING DUTY ORDERS IN PLACE**

AS OF JUNE 06, 2018

**Key to ITC case number:**

- AA = Antidumping Act of 1921
- A = Section 731 of the Tariff Act of 1930 (antidumping)
- C = Section 701 of the Tariff Act of 1930 (countervailing duty)
- C4 = Section 104 of the Trade Agreements Act of 1979 (countervailing duty)
- C-None = No Commission investigation (countervailing duty)

**Key to product group:**

- AG = Agricultural, forest, and processed food products
- MM = Metals and minerals
- CH = Chemicals and pharmaceuticals
- MSC = Miscellaneous manufactured products
- ISM=Iron & steel: Mill products
- PRSG= Plastics, rubber, stone, and glass products
- ISO=Iron & steel: Other products & castings
- TR = Transportation
- ISP=Iron & steel: Pipe products
- TX = Textiles and apparel
- ME = Machinery and electronic/scientific equipment

Order date	Continu	ITC case No.	DOC case No.	AD/CV	Review Sequence Group	Product Group	Product	Country	Column	Column	Fed Reg	Pub date	Link	Column
<b>Count by Product Group</b>		<b>Count of AD and CVD orders by Country</b>												
Count of AD/CVD		Country		AD	CVD	Grand Total								
Product Group	Total													
475 AG	28	China		115	49	164								
476 CH	54	India		20	17	37								
477 ISM	132	Korea		23	7	30								
478 ISO	45	Taiwan		23	1	24								
479 ISP	50	Japan		19		19								
480 MM	27	Turkey		9	8	17								
481 MSC	74	Brazil		12	4	16								
482 PRSG	23	Indonesia		10	5	15								
483 TX	5	Mexico		13	1	14								
484 ME	3	Vietnam		10	3	13								
485 PSRG	3	Italy		7	3	10								
486 (blank)	1	Thailand		7	1	8								
487 Grand Total	445	Canada		3	3	6								

orders.xls [Read-Only] [Compatibility Mode]

ANTIDUMPING AND COUNTERVAILING DUTY ORDERS IN PLACE

AS OF JUNE 06, 2018

**Key to ITC case number:**

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**Key to product group:**

AG = Agricultural, forest, and processed food products      MM = Metals and minerals  
 CH = Chemicals and pharmaceuticals                              MSC = Miscellaneous manufactured products  
 ISM=Iron & steel: Mill products                                      PRSG= Plastics, rubber, stone, and glass products  
 ISO=Iron & steel: Other products & castings                      TR = Transportation  
 ISP=Iron & steel: Pipe products                                      TX = Textiles and apparel  
 ME = Machinery and electronic/scientific equipment

Order date	Continued	ITC case No.	DOC case No.	AD/CV	Review Sequence Group	Product Group	Product	Country	Column	Column	Fed Reg	Pub date	Link	Column
10/21/1977	###	AA-167	A-475-059	A	13	MSC	Pressure se Italy				81 FR 22048	4/14/2016	<a href="https://www.gpo.gov/fdsys/pkg/FR-2016-04-14/pdf/2016-08630.pdf">https://www.gpo.gov/fdsys/pkg/FR-2016-04-14/pdf/2016-08630.pdf</a>	
11/16/1994	###	A-683	A-570-831	A	83	AG	Fresh garlic China				82 FR 51394	11/6/2017	<a href="https://www.gpo.gov/fdsys/pkg/FR-2017-11-06/pdf/2017-24071.pdf">https://www.gpo.gov/fdsys/pkg/FR-2017-11-06/pdf/2017-24071.pdf</a>	
11/25/1994	###	A-663	A-570-826	A	69	MSC	Paper clips China				82 FR 50120	10/30/2017	<a href="https://www.gpo.gov/fdsys/pkg/FR-2017-10-30/pdf/2017-23537.pdf">https://www.gpo.gov/fdsys/pkg/FR-2017-10-30/pdf/2017-23537.pdf</a>	
12/22/1994	###	A-672	A-570-828	A	80	MM	Silicomangar China				77 FR 66956	11/8/2012		
12/28/1994	###	A-669	A-570-827	A	66	MSC	Cased pencli China				82 FR 41608	9/1/2017	<a href="https://www.gpo.gov/fdsys/pkg/FR-2017-09-01/pdf/2017-18588.pdf">https://www.gpo.gov/fdsys/pkg/FR-2017-09-01/pdf/2017-18588.pdf</a>	
02/21/1995	###	A-678	A-351-825	A	85	ISM	Stainless ste Brazil				77 FR 47595	8/9/2012		
02/21/1995	###	A-679	A-533-810	A	85	ISM	Stainless ste India				77 FR 47595	8/9/2012		
02/21/1995	###	A-681	A-588-833	A	85	ISM	Stainless ste Japan				77 FR 47595	8/9/2012		
03/02/1995	###	A-682	A-469-805	A	85	ISM	Stainless ste Spain				77 FR 47595	8/9/2012		
03/29/1995	###	A-718	A-570-836	A	64	CH	Glycine China				82 FR 10745	2/15/2017	<a href="https://www.gpo.gov/fdsys/pkg/FR-2017-02-15/pdf/2017-03048.pdf">https://www.gpo.gov/fdsys/pkg/FR-2017-02-15/pdf/2017-03048.pdf</a>	
05/12/1995	###	A-696	A-570-832	A	77	MM	Pure magnet China				82 FR 18114	4/17/2014	<a href="https://www.gpo.gov/fdsys/pkg/FR-2017-04-17/pdf/2017-07698.pdf">https://www.gpo.gov/fdsys/pkg/FR-2017-04-17/pdf/2017-07698.pdf</a>	
06/21/1995	###	A-703	A-570-835	A	86	CH	Furfuryl alco China				82 FR 37194	8/9/2017	<a href="https://www.gpo.gov/fdsys/pkg/FR-2017-08-09/pdf/2017-16769.pdf">https://www.gpo.gov/fdsys/pkg/FR-2017-08-09/pdf/2017-16769.pdf</a>	
08/03/1995	###	A-709	A-428-820	A	90	ISP	Seamless pi Germany				83 FR 8651	2/28/2018	<a href="https://www.gpo.gov/fdsys/pkg/FR-2018-02-28/pdf/2018-04172.pdf">https://www.gpo.gov/fdsys/pkg/FR-2018-02-28/pdf/2018-04172.pdf</a>	
07/02/1996	###	A-739	A-588-838	A	96	ISM	Clad steel pl Japan							
07/24/1996	###	A-734	A-475-818	A	97	AG	Pasta Italy				78 FR 57129	9/17/2013		
07/24/1996	###	A-735	A-489-805	A	97	AG	Pasta Turkey				78 FR 57129	9/17/2013		

Orders Revocations Admin Terminated



### Section 301 language

19 U.S. Code § 2411 - Actions by United States Trade Representative

#### (a) Mandatory action

(1) If the [United States Trade Representative](#) determines under [section 2414\(a\)\(1\) of this title](#) that—

(A) the rights of the [United States](#) under any [trade agreement](#) are being denied; or

(B) an act, policy, or practice of a [foreign country](#)—

(i) violates, or is inconsistent with, the provisions of, or otherwise denies benefits to the [United States](#) under, any [trade agreement](#), or

(ii) is unjustifiable and burdens or restricts [United States commerce](#);

the [Trade Representative](#) shall take action ... subject to the specific direction, if any, of the President regarding any such action, and shall take all other appropriate and feasible action within the power of the President that the President may direct the [Trade Representative](#) to take under this subsection, to enforce such rights or to obtain the elimination of such act, policy, or practice. Actions may be taken that are within the power of the President with respect to trade in any goods or services, or with respect to any other area of pertinent relations with the foreign country.

# Title III- Relief From Unfair Trade Practices

Chapter 1- Enforcement of United States Rights Under Trade  
Agreements and Response to Foreign Trade Practices

Sec. 301. Actions by United States Trade Representatives

Trade Act of 1974

[Public Law 93-618, as amended]

**Section 301 Trade Remedies to be Assessed on Certain Products from China effective July 6, 2018**  
**Section 301 Trade Remedies to be Assessed on Certain Products from China effective July 6, 2018**

See related CSMS: [18-000409](#), [18-000419](#)

**BACKGROUND**

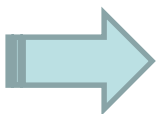
On August 18, 2017, the Office of the United States Trade Representative (USTR) initiated an investigation under Section 301 of the Trade Act of 1974 into the government of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. On March 22, 2018, the USTR issued a notice of determination and request for comments that stated that the government of China's acts, policies, and practices covered by the investigation were found to be actionable under Section 301(b) of the Trade Act. The notice proposed the imposition of additional import duties on a preliminary list of 1,300 Chinese products, and indicated that a final list would be forthcoming after the period for public comment expired. See [Federal Register, 83 FR 14906](#). On June 15, 2018, the USTR issued a notice of action providing for the imposition of additional import duties on a final list of Chinese products.

## GUIDANCE

The additional import duties for Chinese goods covered by the Section 301 action will be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 AM Eastern Standard Time on July 6, 2018.

### Products Covered by Section 301 Action

The USTR has issued a final list of products covered by the Section 301 action, represented by their eight digit Harmonized Tariff Schedule of the United States (HTSUS) subheadings. The list comprises over 800 eight-digit HTSUS numbers, and is published in [Annex A to the USTR Notice of Action Pursuant to Section 301](#). Any article classified in a subheading covered by this list that is a product of China would be subject to a 25% *ad valorem* duty rate, in addition to the general (Column 1) rate of duty for that particular subheading. In addition to reporting the Chapters 1-97 HTSUS classification of the imported merchandise, importers shall also report the 9903.88.01 special tariff number for goods subject to the additional duty assessment of 25% *ad valorem* as a result of the Section 301 trade remedy: 9903.88.01: 25% *ad valorem* additional duty for articles the product of China.



***The Section 301 duties currently only apply to products of China, and are based on the country of origin, not country of export.***

CHAPTER 99  
TEMPORARY LEGISLATION; TEMPORARY MODIFICATIONS ESTABLISHED  
PURSUANT TO TRADE LEGISLATION; ADDITIONAL IMPORT RESTRICTIONS  
ESTABLISHED PURSUANT TO SECTION 22 OF THE AGRICULTURAL  
ADJUSTMENT ACT, AS AMENDED

U.S. Notes 20.

(a) For the purposes of heading 9903.88.01, products of China, as provided for in this note, shall be subject to an additional 25 percent ad valorem rate of duty. The products of China that are subject to an additional 25 percent ad valorem rate of duty under heading 9903.88.01 are products of China that are classified in the subheadings enumerated in U.S. note 20(b) to subchapter III. All products of China that are classified in the subheadings enumerated in U.S. note 20(b) to subchapter III are subject to the additional 25 percent ad valorem rate of duty imposed by heading 9903.88.01.

Notwithstanding U.S. note 1 to this subchapter, all products of China that are subject to the additional 25 percent ad valorem rate of duty imposed by heading 9903.88.01 shall also be subject to the general rates of duty imposed on products of China classified in the subheadings enumerated in U.S. note 20(b) to subchapter III.

Products of China that are classified in the subheadings enumerated in U.S. note 20(b) to subchapter III and that are eligible for special tariff treatment under general note 3(c)(i) to the HTSUS shall be subject to the additional 25 percent ad valorem rate of duty imposed by heading 9903.88.01. The rates of duty imposed by heading 9903.88.01 shall not apply to products for which entry is properly claimed under a heading or subheading in chapter 98.

Products of China that are provided for in heading 9903.88.01 and classified in one of the subheadings enumerated in U.S. note 20(b) to subchapter III shall continue to be subject to antidumping, countervailing, or other duties, fees, exactions and charges that apply to such products, as well as to the additional 25 percent ad valorem rate of duty imposed by heading 9903.88.01.

(b) Heading 9903.88.01 applies to all products of China that are classified in the following 8-digit subheadings: [Compiler's note: list may begin on following page]

2845.90.00    4011.30.00    4012.13.00    8401.10.00

## 19 USC § 1592. Penalties for fraud, gross negligence, and negligence

(a) Prohibition

(1) General rule

Without regard to whether the United States is or may be deprived of all or a portion of any lawful

duty, tax, or fee thereby, no person, by fraud, gross negligence, or negligence—

(A) may enter, introduce, or attempt to enter or introduce any merchandise into the commerce of the United States by means of—

(i) any document or electronically transmitted data or information, written or oral statement, or act which is material and false, or

(ii) any omission which is material, or

(B) may aid or abet any other person to violate subparagraph (A).

## 19 CFR 162.74- Prior Disclosure

(c) Tender of actual loss of duties, taxes and fees or actual loss of revenue. A person who discloses the circumstances of the violation shall tender any actual loss of duties, taxes and fees or actual loss of revenue. The disclosing party may choose to make the tender either at the time of the claimed prior disclosure, or within 30 days after CBP notifies the person in writing of CBP calculation of the actual loss of duties, taxes and fees or actual loss of revenue. The Fines, Penalties, and Forfeitures Officer may extend the 30-day period if there is good cause to do so.



## Disclosure of the Circumstances of a Violation

1. Identify the type of merchandise involved
2. Identify the entry number, if applicable, the dates of import, and the port(s) of import
3. Identify the materially false statements, omissions, or acts, and explain how and when they occurred.
4. State the true information that should have been provided

Practice Point – Request thirty (30) days to conduct thorough investigation of violation.



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