

Public Law 243

CHAPTER 397

AN ACT

To amend certain administrative provisions of the Tariff Act of 1930 and related laws, and for other purposes.

August 8, 1953
[H. R. 5877]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Customs Simplification Act of 1953.

SHORT TITLE AND EFFECTIVE DATE

SECTION 1. This Act may be cited as the "Customs Simplification Act of 1953" and shall be effective, except as otherwise specially provided for, on and after the thirtieth day following the date of its enactment.

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REPEAL OF OBSOLETE ACCOUNTING PROVISIONS

SEC. 2. (a) The following sections of the Revised Statutes (relating to obsolete functions of customs officers and functions of such officers now provided for by other laws) are hereby repealed:

Revised Statutes 2621, as amended (U. S. C., 1946 edition, title 19, sec. 33).

Revised Statutes 2622, as amended (U. S. C., 1946 edition, title 19, sec. 34).

Revised Statutes 2623, as amended (U. S. C., 1946 edition, title 19, sec. 35).

Revised Statutes 2626, as amended (U. S. C., 1946 edition, title 19, sec. 39).

Revised Statutes 2639, as amended (U. S. C., 1946 edition, title 19, sec. 42).

Revised Statutes 2640, as amended (U. S. C., 1946 edition, title 19, sec. 43).

Revised Statutes 2641, as amended (U. S. C., 1946 edition, title 19, sec. 44).

Revised Statutes 2643, as amended (U. S. C., 1946 edition, title 19, sec. 45).

(b) Section 439 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1439) is amended by deleting "the comptroller of customs for the district in which the port of entry is located" and substituting

therefor "such employee as the Secretary of the Treasury shall designate", and by deleting "said comptroller of customs" and substituting therefor "such employee designated by the Secretary".

46 Stat. 712.

(c) Section 440 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1440) is amended by deleting "the comptroller of customs for the district in which the port of entry is located" and substituting therefor "such employee as the Secretary of the Treasury shall designate".

46 Stat. 740.

(d) Section 523 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1523) is amended to read as follows:

"SEC. 523. EXAMINATION OF ACCOUNTS.

"The Secretary of the Treasury or such officer or employee as he shall designate, shall, under regulations and instructions prescribed by the Secretary—

"(1) examine the collectors' accounts of receipts and disbursements of money and receipts and disposition of merchandise; and

"(2) verify, to such extent as the Secretary of the Treasury shall direct, assessments of duties and taxes and allowances of drawback."

EFFECTIVE DATES OF RATES OF DUTY

46 Stat. 695.

SEC. 3. (a) Section 315 of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1315), is further amended to read as follows:

"SEC. 315. EFFECTIVE DATES OF RATES OF DUTY.

"(a) Except as otherwise specially provided for, the rate or rates of duty imposed by or pursuant to this Act or any other law on any article entered for consumption or withdrawn from warehouse for consumption shall be the rate or rates in effect when the documents comprising the entry for consumption or withdrawal from warehouse for consumption and any estimated or liquidated duties then required to be paid have been deposited with the appropriate customs officer in the form and manner prescribed by regulations of the Secretary of the Treasury, except that—

"(1) any article released under an informal mail entry shall be subject to duty at the rate or rates in effect when the preparation of the entry is completed; and

"(2) any article which is not subject to a quantitative or tariff-rate quota and which is covered by an entry for immediate transportation made at the port of original importation under section 552 of this Act, if entered for consumption at the port designated by the consignee, or his agent, in such transportation entry without having been taken into the custody of the collector under section 490 of this Act, shall be subject to the rate or rates in effect when the transportation entry was accepted at the port of original importation.

46 Stat. 742.
19 USC 1552.46 Stat. 726.
19 USC 1490.

"(b) Any article which has been entered for consumption but which, before release from customs custody, is removed from the port or other place of intended release because of inaccessibility, overcarriage, strike, act of God, or unforeseen contingency, shall be subject to duty at the rate or rates in effect when the entry for consumption and any required duties were deposited in accordance with subsection (a) of this section, but only if the article is returned to such port or place within ninety days after the date of removal and the identity of the article as that covered by the entry is established in accordance with regulations prescribed by the Secretary of the Treasury.

62 Stat. 344.
19 USC 1001
par. 813.

"(c) Insofar as duties are based upon the quantity of any merchandise, such duties shall, except as provided in paragraph 813 and

section 562 of this Act (relating respectively to certain beverages and to manipulating warehouses), be levied and collected upon the quantity of such merchandise at the time of its importation.

“(d) No administrative ruling resulting in the imposition of a higher rate of duty or charge than the Secretary of the Treasury shall find to have been applicable to imported merchandise under an established and uniform practice shall be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption prior to the expiration of thirty days after the date of publication in the weekly Treasury Decisions of notice of such ruling; but this provision shall not apply with respect to the imposition of antidumping duties.”

(b) Section 484 (f) of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1484 (f)), is further amended by changing the period at the end to a semicolon and adding “except that, in the case of articles not subject to a quantitative or tariff-rate quota, entry for the entire quantity covered by an entry for immediate transportation made under section 552 of this Act may be accepted at the port of entry designated by the consignee, or his agent, in such entry after the arrival of any part of such quantity at such designated port or at such other place of deposit as may be authorized in accordance with regulations prescribed by the Secretary of the Treasury.”

46 Stat. 745.
19 USC 1562.

46 Stat. 723; 52
Stat. 1083.

46 Stat. 742.
19 USC 1552.

MARKING

SEC. 4. (a) Paragraphs 28, 354, 355, 357, 358, 359, 360, 361, and 1553 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1001, pars. 28, 354, 355, 357, 358, 359, 360, 361, and 1553) are amended as follows:

Paragraph 28 is amended by deleting from subparagraph (f) “the immediate container and”.

Paragraph 354 is amended by deleting the second proviso.

Paragraphs 355, 357, 358, 359, 360, and 361 are amended by deleting the provisos.

Paragraph 1553 is amended by deleting both provisos.

(b) The following sections of the Revised Statutes are repealed:

Revised Statutes 2934 (U. S. C., 1946 edition, title 19, sec. 134).

Revised Statutes 2885 (U. S. C., 1946 edition, title 19, sec. 273).

Revised Statutes 2886 (U. S. C., 1946 edition, title 19, sec. 274).

(c) Section 304 (a) (3) of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1304 (a) (3)), is further amended by deleting “or” at the end of subdivision (I); by changing the period at the end of subdivision (J) to a semicolon and by adding “or”; and by adding a new subdivision (K) as follows:

“(K) Such article cannot be marked after importation except at an expense which is economically prohibitive, and the failure to mark the article before importation was not due to any purpose of the importer, producer, seller, or shipper to avoid compliance with this section.”

PROCEDURE FOR CUSTOMS EXAMINATION OF CERTAIN COMMODITIES

SEC. 5. (a) Paragraph 391 of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1001, par. 391), is further amended by changing the colon at the end of the first proviso to a period; and by amending the rest of the paragraph to read as follows: “The Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.”

46 Stat. 594.

46 Stat. 618.

46 Stat. 619, 620.

46 Stat. 671.

Repeals.

52 Stat. 1077.

46 Stat. 628.

46 Stat. 628. (b) Paragraph 393 of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1001, par. 393), is further amended by changing the colon at the end of the first proviso to a period; and by amending the rest of the paragraph to read as follows: "The Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph."

46 Stat. 639. (c) Paragraph 783 of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1001, par. 783), is amended by inserting "(a)" after "783." and by adding thereto the following new subsection:

"(b) Under regulations prescribed by the Secretary of the Treasury, the staple length of cotton shall be determined for all customs purposes by application of the Official Cotton Standards of the United States for length of staple, as established by the Secretary of Agriculture and in effect when the determination is to be made."

REPEAL OF CERTAIN OBSOLETE RECIPROCAL PROVISIONS

46 Stat. 640. SEC. 6. (a) Paragraph 812 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1001, par. 812) is amended by deleting the proviso (relating to the importation of spirits in certain containers).

46 Stat. 696. (b) Section 320 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1320), relating to reciprocal agreements covering advertising matter, is repealed.

AMERICAN GOODS RETURNED

52 Stat. 1092. SEC. 7. Paragraph 1615 (f) of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1201, par. 1615 (f)), is further amended by adding at the end thereof the following new sentences: "When because of the destruction of customs records or for other cause it is impracticable to establish whether drawback was allowed, or to determine the amount of drawback allowed, on a reimported article excepted under subparagraph (e), there shall be assessed thereon an amount of duty equal to the estimated drawback and internal-revenue tax which would be allowable or refundable if the imported merchandise used in the manufacture or production of the reimported article were dutiable or taxable at the rate applicable to such merchandise on the date of importation, but in no case more than the duty and tax that would apply if the article were originally imported. In order to facilitate the ascertainment and collection of the duty provided for in this subparagraph, the Secretary of the Treasury is authorized to ascertain and specify the amounts of duty equal to drawback or internal-revenue tax which shall be applied to articles or classes or kinds of articles, and to exempt from the assessment of duty articles or classes or kinds of articles excepted under subparagraph (e) with respect to which the collection of such duty involves expense and inconvenience to the Government which is disproportionate to the probable amount of such duty."

FREE ENTRY PROVISIONS FOR TRAVELERS

46 Stat. 683. SEC. 8. Paragraph 1798 of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1201, par. 1798), is further amended to read as follows:

"PAR. 1798. (a) Professional books, implements, instruments, and tools of trade, occupation, or employment, when imported by or for the account of any person arriving in the United States by whom or for whose account they were taken abroad.

“(b) In the case of any person arriving in the United States who is not a returning resident thereof—

“(1) wearing apparel, articles of personal adornment, toilet articles, and similar personal effects; all the foregoing, if actually owned by and in the possession of such person abroad at the time of or prior to his departure for the United States, and if appropriate for his own personal use and intended only for such use and not for any other person nor for sale;

“(2) automobiles, trailers, aircraft, motorcycles, bicycles, baby carriages, boats, horse-drawn conveyances, horses, and similar means of transportation, and the usual equipment accompanying the foregoing; any of the foregoing imported in connection with the arrival of such person and to be used in the United States only for the transportation of such person, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the conveyance; and

“(3) not exceeding \$200 in value of articles accompanying such a person who is in transit to a place outside United States customs territory and who will take the articles with him to such place.

“(c) In the case of any person arriving in the United States who is a returning resident thereof—

“(1) all personal and household effects taken abroad by him or for his account and brought back by him or for his account; and

“(2) articles (including not more than one wine gallon of alcoholic beverages and not more than one hundred cigars) acquired abroad as an incident of the journey from which he is returning, for his personal or household use, but not imported for the account of any other person nor intended for sale, if declared in accordance with regulations of the Secretary of the Treasury, up to but not exceeding in aggregate value—

“(A) \$200, if such person arrives from a contiguous country which maintains a free zone or free port (see subparagraph (d)), or arrives from any other country after having remained beyond the territorial limits of the United States for a period of not less than forty-eight hours, and in either case has not claimed an exemption under this subdivision (A) within the thirty days immediately preceding his arrival; and

“(B) \$300 in addition, if such person has remained beyond the territorial limits of the United States for a period of not less than twelve days and has not claimed an exemption under this subdivision (B) within the six months immediately preceding his arrival.

“(d) In the case of persons arriving from a contiguous country which maintains a free zone or free port, if the Secretary of the Treasury deems it necessary in the public interest and to facilitate enforcement of the requirement that the exemption shall apply only to articles acquired as an incident of the foreign journey, he shall prescribe by regulation or instruction, the application of which may be restricted to one or more ports of entry, that the exemption authorized by subdivision (2) (A) of subparagraph (c) shall be allowed only to residents who have remained beyond the territorial limits of the United States for not less than a specified period, not to exceed twenty-four hours, and after the expiration of ninety days after the date of such regulation or instruction allowance of the said exemption shall be subject to the limitations so prescribed.

“(e) Any article imported to replace a like article of comparable value previously exempted from duty under subdivision (c) of this paragraph shall be allowed free entry if the article previously exempted shall have been exported, under such supervision as the Secretary may prescribe, within sixty days after its importation because it was found by the importer to be unsatisfactory.

“(f) All articles exempted by this paragraph from the payment of duty shall be exempt also from the payment of any internal-revenue tax imposed upon or by reason of importation.

“(g) If any jewelry or similar articles of personal adornment having a value of \$300 or more which have been exempted from duty under subdivision (1) of subparagraph (b) or any article which has been exempted from duty under subdivision (2) (B) of subparagraph (c) is sold within three years after the date of importation, or if any article which has been exempted from duty under subdivision (2) of subparagraph (b) is sold within one year after the date of importation, without prior payment to the United States of the duty which would have been payable at the time of entry if the article had been entered without the benefit of this paragraph, such article, or its value (to be recovered from the importer), shall be subject to forfeiture. A sale pursuant to a judicial order or in liquidation of the estate of a decedent shall not be subject to the provisions of this subparagraph.

“(h) The Secretary of the Treasury shall prescribe methods and regulations for carrying out the provisions of this paragraph. No exemption provided for in this paragraph shall be applied to any article which is not declared in accordance with such regulations.”

FREE ENTRY FOR NONCOMMERCIAL EXHIBITIONS

46 Stat. 684.

SEC. 9. (a) Paragraph 1809 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1201, par. 1809), is amended by inserting “within five years after the date of entry hereunder” after “used contrary to this provision”; by inserting “within such five-year period” after “at any time”; and by deleting “and the preceding”.

(b) The conditions of any bond in force on the effective date of this Act in respect of articles previously entered under the provisions of paragraph 1809 or the corresponding provisions of any Tariff Act prior to the Tariff Act of 1930 shall be deemed to have been satisfied upon the effective date of this Act or upon the expiration of five years from the date such articles were entered, whichever is later, except with respect to any violation which has occurred or which shall have occurred before such time.

TEMPORARY FREE ENTRY FOR SAMPLES AND OTHER ARTICLES UNDER BOND

46 Stat. 690.

SEC. 10. (a) (1) The part of section 308 of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1308), following the heading and preceding the numbered items is amended to read as follows:

“The following articles, when not imported for sale or for sale on approval, may be admitted into the United States under such rules and regulations as the Secretary of the Treasury may prescribe, without the payment of duty, under bond for their exportation within one year from the date of importation, which period, in the discretion of the Secretary of the Treasury, may be extended, upon application, for one or more further periods which, when added to the initial one year, shall not exceed a total of three years:”

(2) The amendment made by paragraph (1) shall be effective with respect to articles imported before or after this section is enacted.

(b) Section 308 (3) of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1308 (3)) is amended by inserting immediately after the word "Samples" the following: "(but not including photoengraved printing plates imported to be reproduced)".

(c) Section 308 (4) of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1308 (4)) is amended to read as follows:

"(4) Articles intended solely for testing, experimental, or review purposes, including plans, specifications, drawings, blueprints, photographs, and similar articles for use in connection with experiments or for study, and upon satisfactory proof that any such article has been destroyed because of its use for any such purpose the obligation under such bond to export such articles shall be treated as satisfied;"

(d) Section 308 (5) of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1308 (5)), is further amended to read as follows:

52 Stat. 1079.

"(5) Automobiles, motorcycles, bicycles, airplanes, airships, balloons, boats, racing shells, and similar vehicles and craft, and the usual equipment of the foregoing; all the foregoing which are brought temporarily into the United States by nonresidents for the purpose of taking part in races or other specific contests;"

(e) Section 308 (7) of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1308 (7)), is amended to read as follows:

"(7) Containers for compressed gases, filled or empty, and containers or other articles in use for covering or holding merchandise (including personal or household effects) during transportation and suitable for reuse for that purpose;"

(f) Section 308 of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1308), is further amended by changing the period at the end thereof to a semicolon and adding the following new subdivisions:

46 Stat. 690; 52 Stat. 1079.

"(10) Animals and poultry brought into the United States for the purpose of breeding, exhibition, or competition for prizes, and the usual equipment therefor;

"(11) Theatrical scenery, properties, and apparel brought into the United States by proprietors or managers of theatrical exhibitions arriving from abroad for temporary use by them in such exhibitions; and

"(12) Works of art, drawings, engravings, photographic pictures, and philosophical and scientific apparatus brought into the United States by professional artists, lecturers, or scientists arriving from abroad for use by them for exhibition and in illustration, promotion, and encouragement of art, science, or industry in the United States."

(g) Paragraph 1607 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1201, par. 1607), is amended to read as follows:

46 Stat. 673.

"PAR. 1607. (a) Teams of animals, including their harness and tackle, and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration, under such regulations as the Secretary of the Treasury may prescribe.

"(b) Wild animals and birds intended for exhibition in zoological collections for scientific or educational purposes, and not for sale or profit."

(h) Paragraph 1747 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1201, par. 1747), is amended by changing the second semicolon to a period and deleting the remainder of the paragraph.

46 Stat. 680.

(i) Paragraph 1808 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1201, par. 1808), is repealed.

Repeal.
46 Stat. 684.

SUPPLIES AND EQUIPMENT FOR VESSELS AND AIRCRAFT

SEC. 11. (a) Subsections (a) and (b) of section 309 of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1309 (a) and (b)), relating to articles for certain vessels and aircraft, are further amended to read as follows:

52 Stat. 1080, 55
Stat. 602.

“(a) EXEMPTION FROM DUTIES AND TAXES.—Articles of foreign or domestic origin may be withdrawn, under such regulations as the Secretary of the Treasury may prescribe, from any customs bonded warehouse, from continuous customs custody elsewhere than in a bonded warehouse, or from a foreign-trade zone free of duty and internal-revenue tax, or from any internal-revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal-revenue tax—

“(1) for supplies (not including equipment) of (A) vessels or aircraft operated by the United States, (B) vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, or (C) aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions; or

“(2) for supplies (including equipment) or repair of (A) vessels of war of any foreign nation, or (B) foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

“(3) for supplies (including equipment), ground equipment, maintenance, or repair of aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted. With respect to articles for ground equipment, the exemption hereunder shall apply only to duties and to taxes imposed upon or by reason of importation.

“(b) DRAWBACK.—Articles withdrawn from bonded warehouses, bonded manufacturing warehouses, continuous customs custody elsewhere than in a bonded warehouse, or from a foreign-trade zone, and articles of domestic manufacture or production, laden as supplies upon any such vessel or aircraft of the United States or laden as supplies (including equipment) upon, or used in the maintenance or repair of, any such foreign vessel or aircraft, shall be considered to be exported within the meaning of the drawback provisions of this Act.”

52 Stat. 1081.

(b) Section 317 (b) of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1317 (b)), is amended to read as follows:

Supra.

“(b) The shipment or delivery of any merchandise for use as supplies (including equipment) upon, or in the maintenance or repair of any vessel or aircraft described in subdivision (2) or (3) of section 309 (a) of this Act, or for use as ground equipment for any such aircraft, shall be deemed an exportation within the meaning of the customs and internal-revenue laws applicable to the exportation of such merchandise without the payment of duty or internal-revenue tax. With respect to merchandise for use as ground equipment, such shipment or delivery shall not be deemed an exportation within the meaning of the internal-revenue laws relating to taxes other than those imposed upon or by reason of importation.”

(c) Section 3115 of the Revised Statutes, as amended (U. S. C., 1946 edition, title 19, sec. 258), is further amended by—

46 Stat. 719.

(1) striking out the comma at the end of paragraph (2) and inserting in lieu thereof “; or” and inserting after paragraph (2) the following new paragraph:

“(3) That such equipments, or parts thereof, or materials, or labor, were used as dunnage for cargo, or for the packing or shoring thereof, or in the erection of temporary bulkheads or other similar devices for the control of bulk cargo, or in the preparation (without permanent repair or alteration) of tanks for the carriage of liquid cargo;” and

(2) striking out “such equipments” the last place it appears in such section and inserting in lieu thereof “such equipments or parts thereof or materials”.

DRAWBACK

SEC. 12. (a) Section 313 (b) of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1313 (b)), is further amended by deleting “one year” and substituting therefor “three years”.

65 Stat. 175.

(b) Section 313 (c) of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1313 (c)), is amended by inserting “or shipped without the consent of the consignee” after “sample or specifications”; by deleting “thirty days” and substituting therefor “ninety days”; and by inserting “unless the Secretary authorizes in writing a longer time,” following “after release from customs custody.”

46 Stat. 694.

(c) Section 313 of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1313), is further amended by revising subsections (h) and (i) thereof to read as follows:

46 Stat. 694; 49 Stat. 1960.

“(h) TIME LIMITATION ON EXPORTATION.—No drawback shall be allowed under the provisions of this section unless the completed article is exported within five years after importation of the imported merchandise.

“(i) REGULATIONS.—Allowance of the privileges provided for in this section shall be subject to compliance with such rules and regulations as the Secretary of the Treasury shall prescribe, which may include, but need not be limited to, the fixing of a time limit within which drawback entries or entries for refund under any of the provisions of this section or section 309 (b) of this Act shall be filed and completed, and the designation of the person to whom any refund or payment of drawback shall be made.”

Ante, p. 514.

ADMINISTRATIVE EXEMPTIONS

SEC. 13. Section 321 of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1321), is amended to read as follows:

52 Stat. 1081.

“SEC. 321. ADMINISTRATIVE EXEMPTIONS.

“(a) The Secretary of the Treasury, in order to avoid expense and inconvenience to the Government disproportionate to the amount of revenue that would otherwise be collected, is hereby authorized, under such regulations as he shall prescribe, to—

“(1) disregard a difference of less than \$3 between the total estimated duties or taxes deposited, or the total duties or taxes tentatively assessed, with respect to any entry of merchandise and the total amount of duties or taxes actually accruing thereon; and

“(2) admit articles free of duty and of any tax imposed on or by reason of importation, but the aggregate value of articles

imported by one person on one day and exempted from the payment of duty shall not exceed—

“(A) \$10 in the case of articles sent as bona fide gifts from persons in foreign countries to persons in the United States, or

“(B) \$10 in the case of articles accompanying, and for the personal or household use of, persons arriving in the United States who are not entitled to any exemption from duty or tax under paragraph 1798 (c) (2) of this Act, or

“(C) \$1 in any other case.

The privilege of this subdivision (2) shall not be granted in any case in which merchandise covered by a single order or contract is forwarded in separate lots to secure the benefit of this subdivision (2).

“(b) The Secretary of the Treasury is authorized by regulations to diminish any dollar amount specified in subsection (a) and to prescribe exceptions to any exemption provided for in such subsection whenever he finds that such action is consistent with the purpose of such subsection or is necessary for any reason to protect the revenue or to prevent unlawful importations.”

Ante, p. 511.

INTERNATIONAL TRAFFIC AND RESCUE WORK

SEC. 14. The Tariff Act of 1930, as amended, is further amended by adding immediately following section 321 (U. S. C., 1946 edition, title 19, sec. 1321) a new section reading as follows:

“SEC. 322. INTERNATIONAL TRAFFIC AND RESCUE WORK.

“(a) Vehicles and other instruments of international traffic, of any class specified by the Secretary of the Treasury, shall be granted the customary exceptions from the application of the customs laws to such extent and subject to such terms and conditions as may be prescribed in regulations or instructions of the Secretary of the Treasury.

“(b) The Secretary of the Treasury may provide by regulation or instruction for the admission, without entry and without the payment of any duty or tax imposed upon or by reason of importation, of—

“(1) aircraft, equipment, supplies, and spare parts for use in searches, rescues, investigations, repairs, and salvage in connection with accidental damage to aircraft;

“(2) fire-fighting and rescue and relief equipment and supplies for emergent temporary use in connection with conflagrations; and

“(3) rescue and relief equipment and supplies for emergent temporary use in connection with floods and other disasters.

Any articles admitted under the authority of this subsection and used otherwise than for a purpose herein expressed, or not exported in such time and manner as may be prescribed in the regulations or instructions herein authorized, shall be forfeited to the United States.”

SIGNING AND DELIVERY OF MANIFESTS

SEC. 15. Section 431 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1431), is amended by designating the matter now therein as subsection (a) and by adding a new subsection to read as follows:

“(b) Whenever a manifest of articles or persons on board an aircraft is required for customs purposes to be signed, or produced or delivered to a customs officer, the manifest may be signed, produced, or delivered by the pilot or person in charge of the aircraft, or by any other authorized agent of the owner or operator of the aircraft, subject to such regulations as the Secretary of the Treasury may prescribe. If any irregularity of omission or commission occurs in any way in respect

46 Stat. 710.

of any such manifest, the owner or operator of the aircraft shall be liable for any fine or penalty prescribed by law in respect of such irregularity."

CERTIFIED INVOICES AND ENTRY OF MERCHANDISE

SEC. 16. (a) Section 482 (a) of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1482 (a)), is amended by substituting "required pursuant to section 484 (b) of this Act to be certified" for "covering merchandise exceeding \$100 in value" in the first clause.

46 Stat. 720.
Infra.

(b) Section 484 (a) of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1484 (a)), is amended by deleting "forty-eight hours" and substituting therefor "five days".

46 Stat. 722.

(c) Section 484 (b) of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1484 (b)), is amended to read as follows:

46 Stat. 722.

"(b) PRODUCTION OF CERTIFIED INVOICE.—The Secretary of the Treasury shall provide by regulation for the production of a certified invoice with respect to such merchandise as he deems advisable and for the terms and conditions under which such merchandise may be permitted entry under the provisions of this section without the production of a certified invoice."

(d) Section 498 (a) (1) of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1498 (a) (1)) is amended to read as follows:

46 Stat. 728.

"(1) Merchandise, imported in the mails or otherwise, when the aggregate value of the shipment does not exceed such amount, not greater than \$250, as the Secretary of the Treasury shall specify in the regulations, and the specified amount may vary for different classes or kinds of merchandise or different classes of transactions;"

(e) Section 498 (a) of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1498 (a)) is further amended by deleting subdivision (11) and substituting therefor a new subdivision to read as follows:

46 Stat. 728.

"(11) Merchandise within the provisions of paragraph 1631 of this Act."

(f) The Act of June 8, 1896 (U. S. C., 1946 edition, title 19, secs. 472-475), is hereby repealed.

Repeal.
29 Stat. 263.

VERIFICATION OF DOCUMENTS

SEC. 17. Section 486 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1486), is amended by changing the heading to read

46 Stat. 725.

"SEC. 486. ADMINISTRATION OF OATHS—VERIFICATION OF DOCUMENTS."

and by adding at the end thereof the following new subsection:

"(d) VERIFICATION IN LIEU OF OATH.—The Secretary of the Treasury may by regulation prescribe that any document required by any law administered by the Customs Service to be under oath may be verified by a written declaration in such form as he shall prescribe, such declaration to be in lieu of the oath otherwise required."

AMENDMENT OF ENTRIES

SEC. 18. (a) Section 487 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1487) is amended by deleting therefrom "or at any time before the invoice or the merchandise has come under the observation of the appraiser for the purpose of appraisalment."

46 Stat. 725.

(b) Section 489 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1489) is amended by deleting the first two paragraphs.

46 Stat. 725.

(c) Section 501 of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1501), is further amended by changing the

46 Stat. 730.

period at the end of the first sentence to a comma and by inserting thereafter "or (3) in any case, if the consignee, his agent, or his attorney requests such notice in writing before appraisal, setting forth a substantial reason for requesting the notice.", by inserting in the second sentence after "appraiser" the clause ", including all determinations entering into the same.", and by deleting the third sentence of the section.

46 Stat. 731.

(d) Section 503 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1503), is amended by deleting subsection (b), by redesignating subsection (c) as subsection (b), and by amending subsection (a) to read as follows:

Infra.

"(a) GENERAL RULE.—Except as provided in section 562 of this Act (relating to withdrawal from manipulating warehouses), the basis for the assessment of duties on imported merchandise subject to ad valorem rates of duty shall be the final appraised value."

Repeal.

(e) The Act of July 12, 1932 (ch. 473, 47 Stat. 657; U. S. C., 1946 edition, title 19, sec. 1503a), is repealed.

46 Stat. 745; 52 Stat. 1077.

(f) Section 562 of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1562), is further amended by changing the third sentence to read as follows: "The basis for the assessment of duties on such merchandise so withdrawn for consumption shall be the adjusted final appraised value, and if the rate of duty is based upon or regulated in any manner by the value of the merchandise, such rate shall be based upon or regulated by such adjusted final appraised value."

COMMINGLED MERCHANDISE

46 Stat. 732.

SEC. 19. Section 508 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1508) is amended to read as follows:

"SEC. 508. COMMINGLING OF GOODS.

"(a) Whenever dutiable merchandise and merchandise which is free of duty or merchandise subject to different rates of duty are so packed together or mingled that the quantity or value of each class of such merchandise cannot be readily ascertained by the customs officers (without physical segregation of the shipment or the contents of any entire package thereof), by one or more of the following means: (1) Examination of a representative sample, (2) occasional verification of packing lists or other documents filed at the time of entry, or (3) evidence showing performance of commercial settlement tests generally accepted in the trade and filed in such time and manner as may be prescribed by regulations of the Secretary of the Treasury, and if the consignee or his agent shall not segregate the merchandise pursuant to subsection (b), then the whole of such merchandise shall be subject to the highest rate of duty applicable to any part thereof.

"(b) Every segregation of merchandise made pursuant to this section shall be accomplished by the consignee or his agent at the risk and expense of the consignee within thirty days after the date of personal delivery or mailing, by such employee as the Secretary of the Treasury shall designate, of written notice to the consignee that the merchandise is commingled, unless the Secretary authorizes in writing a longer time. Every such segregation shall be accomplished under customs supervision, and the compensation and expenses of the supervising customs officers shall be reimbursed to the Government by the consignee under such regulations as the Secretary of the Treasury may prescribe.

“(c) The foregoing provisions of this section shall not apply with respect to any part of a shipment if the consignee or his agent shall furnish, in such time and manner as may be prescribed by regulations of the Secretary of the Treasury, satisfactory proof (1) that such part (A) is commercially negligible, (B) is not capable of segregation without excessive cost, and (C) will not be segregated prior to its use in a manufacturing process or otherwise, and (2) that the commingling was not intended to avoid the payment of lawful duties or any part thereof. Any merchandise with respect to which such proof is furnished shall be considered for all customs purposes as a part of the merchandise, subject to the next lower rate of duty (including a free rate), with which it is commingled.

“(d) The foregoing provisions of this section shall not apply with respect to any shipment if the consignee or his agent shall furnish, in such time and manner as may be prescribed by regulations of the Secretary of the Treasury, satisfactory proof (1) that the value of the commingled merchandise is less than the aggregate value would be if the shipment were segregated; (2) that the shipment is not capable of segregation without excessive cost and will not be segregated prior to its use in a manufacturing process or otherwise; and (3) that the commingling was not intended to avoid the payment of lawful duties or any part thereof. Any merchandise with respect to which such proof is furnished shall be considered for all customs purposes to be dutiable at the rate (including a free rate) applicable to the material present in greater quantity than any other material.”

CORRECTION OF ERRORS AND MISTAKES

SEC. 20. Subdivisions (1) and (2) of section 520 (c) of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1520 (c)), are further amended to read as follows:

52 Stat. 1086.

“(1) a clerical error, mistake of fact, or other inadvertence not amounting to an error in the construction of a law, adverse to the importer and manifest from the record or established by documentary evidence, in any entry, liquidation, appraisement, or other customs transaction, when the error, mistake, or inadvertence is brought to the attention of the customs service within one year after the date of entry, appraisement, or transaction, or within sixty days after liquidation or exaction when the liquidation or exaction is made more than ten months after the date of the entry, appraisement, or transaction; or

“(2) any assessment of duty on household or personal effects in respect of which an application for refund has been filed, with such employee as the Secretary of the Treasury shall designate, within one year after the date of entry.”

TRANSFERS OF GOODS IN BONDED WAREHOUSE

SEC. 21. (a) Section 557 (b) of the Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1557 (b)), is further amended to read as follows:

52 Stat. 1087.

“(b) The right to withdraw any merchandise entered in accordance with subsection (a) of this section for the purposes specified in such subsection may be transferred upon compliance with regulations prescribed by the Secretary of the Treasury and upon the filing by the

transferee of a bond in such amount and containing such conditions as the Secretary of the Treasury shall prescribe. The bond shall include an obligation to pay, with respect to the merchandise the subject of the transfer, all unpaid regular, increased, and additional duties, all unpaid taxes imposed upon or by reason of importation, and all unpaid charges and exactions. Such transfers shall be irrevocable, shall relieve the transferor from all customs liability with respect to obligations assumed by the transferee under the bond herein provided for, and shall confer upon the transferee all rights to the privileges provided for in this section and in sections 562 and 563 of this Act which were vested in the transferor prior to the transfer. The transferee shall also have the right to receive all lawful refunds of moneys paid by him to the United States with respect to the merchandise the subject of the transfer, but shall have no right to file any protest under section 514 of this Act except as to decisions with respect to his rights under subsection (c) of this section or under section 562 or 563 of this Act or against a decision as to the rate or amount of duty, tax, charge, or exaction when such rate or amount has been changed by statute or proclamation on or after the date of the transfer. The transferee shall have no right to file an appeal for reappraisalment under section 501 of this Act, except when subsequent to the transfer and before a withdrawal for consumption has been deposited for the merchandise, it has been changed in condition pursuant to the provisions of section 562 or 311 of this Act in a manner which necessitates that it be appraised in its changed condition in order that the correct amount of duties may be assessed. No new or separate liquidation, reliquidation, or determination shall be made in the name of, or on behalf of, a transferee, except with regard to any matter which may arise under subsection (c) of this section or section 562 or 563 of this Act when the transferee has invoked either of these sections, and in the case of a statutory or proclaimed change in the rate of duty, tax, charge, or exaction applicable to the merchandise the subject of the transfer and effective on or after the date of the transfer. A transferee may further transfer the right to withdraw merchandise, subject to the provisions of this subsection relating to original transfers."

19 USC 1562,
1563.

19 USC 1514.

19 USC 1501.

19 USC 1562,
1311.

Ante, p. 519.

(b) Notwithstanding any other provision of this Act, the foregoing subsection (a) shall be effective with respect to merchandise entered after the date of the enactment of this Act and to merchandise which has been entered before that date and is the subject of a transfer within the purview of section 557 (b) of the Tariff Act, as amended by this Act, and made after the date of the enactment of this Act.

CUSTOMS SUPERVISION

46 Stat. 761. SEC. 22. The Tariff Act of 1930, as amended, is further amended by adding following section 645 (U. S. C., 1946 edition, title 19, sec. 1645) a new section 646, reading as follows:

"SEC. 646. CUSTOMS SUPERVISION.

"Wherever in this Act any action or thing is required to be done or maintained under the supervision of customs officers, such supervision may be direct and continuous or by occasional verification as may be required by regulations of the Secretary of the Treasury, or, in the absence of such regulations for a particular case, as the principal customs officer concerned shall direct."

SAVING CLAUSE

SEC. 23. Except as may be otherwise provided for in this Act, the repeal of existing law or modifications thereof embraced in this Act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal case prior to such repeal or modification, but all liabilities under such laws shall continue, except as otherwise specifically provided in this Act, and may be enforced in the same manner as if such repeal or modification had not been made.

Approved August 8, 1953.

Public Law 244

CHAPTER 398

AN ACT

To amend section 47c of the National Defense Act.

August 8, 1953
[H. R. 6039]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 47c of the National Defense Act, as amended (10 U. S. C. 383, 384, 385a, 386a, 387, 387a, 443), is further amended by changing the period at the end thereof to a semicolon and adding the following: "*Provided further,* That, to the extent provided in regulations prescribed by the Secretary of the Army, military training in the junior division, Reserve Officers' Training Corps, or military training at an educational institution conducted under section 55c of the National Defense Act, as amended (10 U. S. C. 1180, 1181), when either is received under the direction of an officer of the Army on active duty detailed to such institution as a professor of military science and tactics, or under the direction of a retired or Reserve officer of the Army not on active duty employed by such institution as an instructor of military science and tactics with the approval of the Secretary of the Army, may be credited toward completion of the two academic years of service in the senior division, Reserve Officers' Training Corps, required for admission to the advanced course of that division and for commutation of subsistence, as provided for herein, if the military training received is substantially equivalent to that for which credit is to be allowed."

Armed Forces,
ROTC training.

41 Stat. 778.
10 USC 443.

41 Stat. 780.

SEC. 2. The Act of September 8, 1916 (ch. 478, 39 Stat. 853; 10 U. S. C. 388), is hereby repealed.

Repeal.

Approved August 8, 1953.

Public Law 245

CHAPTER 399

AN ACT

To amend the Federal Property and Administrative Services Act of 1949 to extend until June 30, 1954, the period during which the General Services Administration may conduct negotiated sales of surplus property.

August 8, 1953
[H. R. 6382]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 (e) of the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C., sec. 484 (e)), is amended by striking out "June 30, 1953" and inserting in lieu thereof "June 30, 1954".

Surplus property
disposal.

66 Stat. 593.

Approved August 8, 1953.