Public Law 96-609
96th Congress

An Act

To provide for the temporary suspension of certain duties, to extend certain existing suspensions of duties, and for other purposes.

Dec. 28, 1980
[H.R. 5047]

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

Tariff Schedules, temporary duty suspensions.

TITLE I—AMENDMENTS TO TARIFF SCHEDULES

SEC. 101. AMENDMENT OF TARIFF SCHEDULES; DEFINITION OF ENTERED.

(a) Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a schedule, item, or other provision, the reference shall be considered to be made to a schedule, item, or other provision of the Tariff Schedules of the United States (19 U.S.C. 1202).

(b) For purposes of this title, the term "entered" means entered, or withdrawn from warehouse, for consumption within the customs territory of the United States.

SEC. 102. FOREIGN MATERIALS DETERMINATIONS RELATING TO TARIFF TREATMENT OF PRODUCTS OF INSULAR POSSESSIONS.

19 USC 1202.

General headnote 3(a)(ii) is amended to read as follows:

"(ii) In determining whether an article produced or manufactured in any such insular possession contains foreign materials to the value of more than 50 percent, no material shall be considered foreign which either—

"(A) at the time such article is entered, or

"(B) at the time such material is imported into the insular possession,

may be imported into the customs territory from a foreign country, other than Cuba or the Philippine Republic, and entered free of duty; except that no article containing material to which (B) of this subdivision applies shall be exempt from duty under subdivision (i) unless adequate documentation is supplied to show that the material has been incorporated into such article during the 18-month period after the date on which such material is imported into the insular possession.".

SEC. 103. YARNS OF SILK.

19 USC 1202.

(a) Subpart D of part 1 of schedule 3 is amended—

(1) by amending item 308.40 by striking out "8.1% ad val." and "40% ad val." in rate columns numbered 1 and 2, respectively, and inserting in lieu thereof "Free", and by striking out "5% ad val." in the LDDC column; and

(2) by amending item 308.50 by striking out "11.6% ad val." and "50% ad val." in rate columns numbered 1 and 2, respectively, and inserting in lieu thereof "Free", and by striking out "5% ad val." in the LDDC column.

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Repeal.

(b) Items 905.30 and 905.31 are repealed.

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered after June 30, 1980.

SEC. 104. POPPY STRAW EXTRACT.

19 USC 1202.

(a) Part 3 of schedule 4 is amended by inserting in numerical sequence the following new item—

"	435.72	Poppy straw extract	Free	Free ".

Repeal.

(b) Item 907.70 is repealed.

(c) The amendments made by subsections (a) and (b) apply with respect to articles entered after June 30, 1980.

SEC. 105. CERTAIN VALUABLE WASTES.

19 USC 1202.

Headnote 2(b)(ii) of subpart C of part 5 of schedule 8 is amended to read as follows:

"(ii) all articles and valuable wastes resulting from such processing will be exported or destroyed under customs supervision within the bonded period; except that in lieu of the exportation or destruction of valuable wastes, duties may be tendered on such wastes at rates of duties in effect for such wastes at the time of importation.".

SEC. 106. WATER CHESTNUTS AND BAMBOO SHOOTS.

19 USC 1202.

(a) Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new items:

"	903.45	Water chestnuts or bamboo shoots, frozen (provided for in item 137.87 or 138.45, part 8A, schedule 1)	Free	Free	On or before 6/30/83	
	903.50	Water chestnuts (provided for in item 141.70, part 8C, schedule 1)	Free	Free	On or before 6/30/83	
	903.55	Bamboo shoots in airtight containers (provided for in item 141.78, part 8C, schedule 1)	Free	Free	On or before 6/30/83	".

(b) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 107. URETHANE CURING AGENT (TMAB).

19 USC 1202.

(a) Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	907.05	Bis(4-aminobenzoate)-1, 3-propanediol (trimethylene glycol di-p-aminobenzoate) (however provided for in items 402.36 through 406.63, part 1B, schedule 4)	Free	No change	On or before 6/30/83	".

(b) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 108. COLOR COUPLERS AND COLOR INTERMEDIATES.

(a)(1) Item 907.10 of the Appendix is amended by striking out "provided for in item 403.60," and inserting in lieu thereof "however provided for in items 402.36 through 406.63," and by striking out "6/30/80" and inserting in lieu thereof "6/30/82".

(2) Item 907.12 of the Appendix is amended by striking out "405.20," and inserting in lieu thereof "408.41,", and by striking out "6/30/80" and inserting in lieu thereof "6/30/82".

(b) The amendments made by subsection (a) shall apply with respect to articles entered after June 30, 1980.

SEC. 109. DOXORUBICIN HYDROCHLORIDE.

(a) Item 907.20 of the Appendix is amended by striking out "407.85," and inserting in lieu thereof "411.76,", and by striking out "6/30/80" and inserting in lieu thereof "6/30/82".

(b) The amendment made by subsection (a) shall apply with respect to articles entered after June 30, 1980.

SEC. 110. LEVULOSE.

(a) Item 907.90 of the Appendix is amended by striking out "10% ad val." and inserting in lieu thereof "Free", and by striking out "6/30/80" and inserting in lieu thereof "12/31/81".

(b) The amendments made by subsection (a) shall apply with respect to articles entered after June 30, 1980.

SEC. 111. FLAT KNITTING MACHINES.

(a) Subpart B of part 1 of the Appendix is amended by striking out items 912.07 and 912.08, and by inserting in numerical sequence the following new item: 19 USC 1202.

"	912.13	Power-driven flat knitting machines over 20 inches in width (provided for in item 670.19 or 670.20, part 4E, schedule 6)	Free	No change	On or before 6/30/83 ".

(b) The amendments made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 112. WARP KNITTING MACHINES.

(a) Subpart B of Part 1 of the Appendix is amended by inserting in numerical sequence the following new item: 19 USC 1202.

"	912.14	Warp knitting machines (provided for in item 670.20, part 4E, schedule 6)	Free	No change	On or before 6/30/83 ".

(b) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 113. CHIPPER KNIFE STEEL.

(a) Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item: 19 USC 1202.

"	911.29	Chipper knife steel (provided for in item 606.93, part 2B, schedule 6)	4.6% ad val.	No change	On or before 9/30/82 ".

(b) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 114. UNWROUGHT LEAD.

(a) Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following item: 19 USC 1202.

"	911.50	Unwrought lead other than lead bullion (provided for in item 624.03, part 2G, schedule 6)	3% ad val. on the value of the lead content, but not less than 1.0625¢ per lb. on the lead content.	No change	On or before 6/30/83	".

(b) Before July 1, 1983—

(1) no modification of the temporary column 1 rate of duty in item 911.50 (as added by subsection (a)) may be proclaimed by the President under any authority of law except title II of the Trade Act of 1974; and

19 USC 2251.

(2) no duty or other import fee, except that provided for in such item 911.50 and those provided for under the amendments made by title I of the Trade Agreements Act of 1979, may be imposed on unwrought lead provided for in such item.

19 USC 1671.

(c) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

(d) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of enactment of this Act, the entry, or withdrawal from warehouse, for consumption of any article described in item 624.03 of the Tariff Schedules of the United States and—

(1) that was made on or after January 1, 1980, and before the date of the enactment of this Act; and

(2) with respect to which the duty would have been different if the amendment made by subsection (a) applied to such entry or withdrawal;

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

19 USC 1514.

SEC. 115. CERTAIN FISH NET AND NETTING PURCHASES AND REPAIRS.

(a) Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) is amended by adding at the end thereof the following new subsection:

"(g) The duty imposed by subsection (a) shall not apply to entries on and after October 1, 1979, and before January 1, 1982, of—

"(1) tuna purse seine nets and netting which are equipments or parts thereof,

"(2) repair parts for such nets and netting, or materials used in repairing such nets and netting, or

"(3) the expenses of repairs of such nets and netting, for any United States documented tuna purse seine vessel of greater than 500 tons carrying capacity or any United States tuna purse seine vessel required to carry a certificate of inclusion under the general permit issued to the American Tunaboat Association pursuant to section 104 of the Marine Mammal Protection Act of 1972.".

16 USC 1374.

19 USC 1466 note.

(b) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry of any article to which section 466(a) of the Tariff Act of 1930 applied and—

19 USC 1466.

(1) that was made on or after October 1, 1979, and before the date of the enactment of this Act; and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal;

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act. 19 USC 1514.

SEC. 116. WOOD VENEERS.

(a) Part 3 of schedule 2 is amended as follows: 19 USC 1202.

(1) Item 240.00 is amended by striking out "1% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "Free" in the LDDC rate column.

(2) Item 240.02 is amended by striking out "7% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "4% ad val." in the LDDC column.

(3) Item 240.03 is amended by striking out "2% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "Free" in the LDDC column.

(4) Item 240.04 is amended by striking out "5% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "3.2% ad val." in the LDDC column.

(5) Item 240.06 is amended by striking out "2% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "Free" in the LDDC column.

(b) The amendments made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 117. EPHEDRINE, RACEPHEDRINE, AND THEIR SALTS.

Effective with respect to articles entered on or after the date of the enactment of this Act—

(a) Subpart C of part 1 of schedule 4 is amended by striking out item 411.32 and inserting the following new items in lieu thereof: 19 USC 1202.

"	411.30	Pseudoephedrine and its salts	15.5% ad val.	7.6% ad val.	7¢ per lb.+59% ad val.
	411.31	Ephedrine, racephedrine, and their salts	4.8% ad val.	3.7% ad val.	7¢ per lb.+59% ad val. ".

(b) The rates of duty in column numbered 1 for items 411.30 and 411.31 of the Tariff Schedules of the United States (19 U.S.C. 1202) (as added by subsection (a)) shall be subject to any staged rate reductions proclaimed by the President for items 411.32 and 437.20, respectively, which have been proclaimed by the President before the date of the enactment of this Act.

(c) Whenever the rate of duty specified in the column numbered 1 for item 411.30 or 411.31 of the Tariff Schedules of the United States (19 U.S.C. 1202) (as added by subsection (a)) is reduced to the same level as the corresponding rate of duty specified in the column entitled "LDDC" for such item, or to a lower level, the rate of duty in the column entitled "LDDC" shall be deleted from such Schedules.

(d) For purposes of the Trade Act of 1974, the amendments made by this section (not including the rates of duty in column numbered 2 of the Tariff Schedules of the United States) shall be considered to be trade agreement obligations entered into and proclaimed under the Trade Act of 1974 of benefit to foreign countries or instrumentalities. 19 USC 2101.

(e) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 118. SPECIAL EFFECTIVE DATE PROVISION.

Upon request therefor filed with the customs officer concerned on or before the 180th day after the date of the enactment of this Act, the entry of any article—

(1) which was made after June 30, 1980, and before such date of enactment, and

(2) with respect to which there would have been no duty if the amendment or amendments, as the case may be, made by sections 103, 104, 108, 109, and 110 applied to such entry,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry had been made on June 30, 1980.

19 USC 1514.

SEC. 119. HOVERCRAFT SKIRTS.

19 USC 1202.

(a) Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	905.40	Textile fabrics of manmade fibers, coated or filled or laminated with natural rubber, for use in the manufacture of skirts for hovercraft (provided for in item 359.50, part 4C, schedule 3)	Free	No change	On or before 6/30/83. ".

(b) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

TITLE II—AMENDMENTS TO OTHER TRADE LAWS

SEC. 201. SAME CONDITION DRAWBACK.

(a) Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting immediately after subsection (i) the following:

"(j) SAME CONDITION DRAWBACK.—(1) If imported merchandise, on which was paid any duty, tax, or fee imposed under Federal law because of its importation—

"(A) is, before the close of the three-year period beginning on the date of importation—

"(i) exported in the same condition as when imported, or

"(ii) destroyed under Customs supervision; and

"(B) is not used within the United States before such exportation or destruction;

then upon such exportation or destruction 99 per centum of the amount of each such duty, tax, and fee so paid shall be refunded as drawback.

"(2) The performing of incidental operations (including, but not limited to, testing, cleaning, repacking, and inspecting) on the imported merchandise itself, not amounting to manufacture or production for drawback purposes under the preceding provisions of this section, shall not be treated as a use of that merchandise for purposes of applying paragraph (1)(B).".

19 USC 1313 note.

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

SEC. 202. INFORMAL ENTRY OF CERTAIN UNITED STATES PRODUCTS.

Section 498(a) of the Tariff Act of 1930 (19 U.S.C. 1498(a)) is amended—

(1) by redesignating paragraphs (2) through (11) as paragraphs (3) through (12), respectively; and

(2) by inserting immediately after paragraph (1) the following new paragraph:

"(2) Products of the United States, when the aggregate value of the shipment does not exceed $10,000 and the products are imported—

"(A) for the purposes of repair or alteration prior to reexportation, or

"(B) after having been either rejected or returned by the foreign purchaser to the United States for credit;".

SEC. 203. TECHNICAL AMENDMENTS TO THE TRADE AGREEMENTS ACT OF 1979.

(a) The Trade Agreements Act of 1979 (Public Law 96-39; 93 Stat. 144 et seq.) is amended as follows:

(1) Section 852 is amended by striking out: 19 USC 1202.

"So much of subpart D of part 12 of schedule 1 of the Tariff Schedules of the United States as follows headnote 1 is amended to read as follows:

"'	Aquavit:			

and inserting in lieu thereof the following:

"Subpart D of part 12 of schedule 1 of the Tariff Schedules of the United States is amended to read as follows:

"'	Subpart D headnote: 1. The rates of duty provided for the products enumerated in this subpart shall be assessed on a proof gallon basis (i.e., the rates shown indicate the amount of duty which shall be collected on each gallon of an imported product at 100 proof). The amount of duty which shall be collected for each gallon of a product which is imported at more than or less than 100 proof shall bear the same ratio to the applicable rate of duty as the proof of the imported product bears to 100 proof.			
	Aquavit:			

(2) Paragraph (1) of section 1107(a) is amended to read as follows: 19 USC 1202.

"(1) by inserting 'and' after 'subpart E,', and by striking out 'headnote 4' and inserting in lieu thereof 'headnote 3', in headnote 3(a)(i), and".

(3) The amendments made by this subsection shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1980.

(b) The amendments made to the Trade Agreements Act of 1979 by section 14(a)(3)(A) of Public Law 96-467 with respect to items 678.50, 694.15, 694.20, and 694.40 of the Tariff schedules of the United States shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1980. 19 USC 2501. *Ante*, p. 2225.

SEC. 204. FOREIGN-TRADE ZONES BOARD REPORTS.

Section 16(c) of the Act entitled "An Act to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign

commerce, and for other purposes", approved June 18, 1934 (48 Stat. 1002; 19 U.S.C. 81p(c)), is amended by striking out "on the first day of each regular session" and inserting in lieu thereof "by April 1 of each year".

SEC. 205. COUNTRY-OF-ORIGIN DETERMINATIONS.

19 USC 2515 note.
19 USC 2171 note.

Notwithstanding subparagraph (1)(A) of subsection 5(a) of Reorganization Plan No. 3 of 1979 (44 F.R. 69272, 93 Stat. 1381), the Secretary of the Treasury or his delegate shall issue such advisory rulings and make such determinations as are authorized by subsection 305(b)(1) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(b)(1)).

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS TO THE TARIFF SCHEDULES.

(a) The Tariff Schedules of the United States (19 U.S.C. 1202) are amended—

(1) by striking out "4% ad val." in rate of duty column numbered 1 for item 470.18 and inserting in lieu thereof "3.9% ad val.",

(2) by inserting "3.1% ad val." in the column entitled "LDDC" for item 470.18, and

(3) by striking out "provided for in item 403.60," in item 907.11 of the Appendix and inserting in lieu thereof "however provided for in items 402.36 through 406.63,".

(b) The rates of duty in column numbered 1 for item 470.18 of the Tariff Schedules of the United States (19 U.S.C. 1202) shall be subject to any staged rate reductions for item 470.15, which have been proclaimed by the President before the date of the enactment of this Act.

(c) Whenever the rate of duty specified in column numbered 1 for item 470.18 of the Tariff Schedules of the United States (19 U.S.C. 1202) is reduced to the same level as the corresponding rate of duty specified in the column entitled "LDDC" for such item, or to a lower level, the rate of duty in the column entitled "LDDC" for such item shall be deleted.

19 USC 2101.

(d) For purposes of the Trade Act of 1974, the amendments made by paragraphs (1) and (2) of subsection (a) shall be considered to be trade agreement obligations entered into and proclaimed under the Trade Act of 1974, of benefit to foreign countries or instrumentalities.

(e) This section, and the amendments made by this section, shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after October 17, 1980.

SEC. 302. CONVEYANCE OF CERTAIN LANDING CRAFT TO COOS COUNTY, OREGON.

40 USC 304f.

(a) Notwithstanding any provision of title III of the Liquor Law Repeal and Enforcement Act (49 Stat. 879), and subject to subsection (b), the District Director of the United States Customs Service, Portland, Oregon, is authorized and directed to convey to the Coos County sheriff's office, Coos County, Oregon, all right, title, and interest of the United States to the three lighter amphibious resupply cargo craft (LARC's) seized by officers of such Customs Service and officers of such sheriff's office in the drug raid conducted jointly by such officers on December 31, 1977, at Bandon, Coos County, Oregon.

(b) The conveyance described in subsection (a) shall be made subject to the payment by the Coos County sheriff's office of such storage or other expenses which may have been incurred with respect to the craft described in such section from the date of seizure of such craft to the date of delivery to the sheriff's office.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1109 (Comm. on Ways and Means).
SENATE REPORT No. 96-999 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
July 21, considered and passed House.
Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments.