

Athens, GA; INT Athens 340° and Harris, GA, 148° radials; Harris; Volunteer, TN.

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**V-437 (Revised)**

From Dolphin, FL; INT Dolphin 354°T(358°M) and Pahokee, FL, 157° radials; Pahokee; Melbourne, FL; INT Melbourne 322° and Ormond Beach, FL, 211° radials; Ormond Beach; Savannah, GA; Charleston, SC; Florence, SC. The airspace within R-2935 is excluded.

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**V-511 (Revised)**

From Lakeland, FL; INT Lakeland 140° and Dolphin, FL, 331°T(335°M) radials; Dolphin.

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**V-521 (Revised)**

From Dolphin, FL; INT Dolphin 318°T(322°M) and Lee County, FL, 099° radials; Lee County; INT Lee County 014° and Lakeland, FL, 154° radials; Lakeland; Cross City, FL; INT Cross City 287° and Marianna, FL, 141° radials; Marianna; Wiregrass, AL; INT Wiregrass 333° and Montgomery, AL, 129° radials; Montgomery; INT Montgomery 357° and Vulcan, AL, 139° radials; Vulcan.

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**V-599 (Revised)**

From Lee County, FL; INT Lee County 083°T(085°M) and Dolphin, FL, 331°T(335°M) radials; Dolphin.

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**V-601 (New)**

From Pahokee, FL; INT Pahokee 212°T(212°M) and Marathon, FL; 354°T(357°M) radials; Marathon.

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Issued in Washington, DC, on April 24, 1995.

**Harold W. Becker,**

*Manager, Airspace-Rules and Aeronautical Information Division.*

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**DEPARTMENT OF THE TREASURY**

**Customs Service**

**19 CFR Part 162**

RIN 1515-AB62

**Seizure of Merchandise**

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, Customs is proposing to amend its regulations in response to enactment of the Customs Modernization Act ("The Mod Act"). Among its other provisions, the Mod Act amended Section 596(c) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)) to

clarify and codify Customs authority to seize and forfeit merchandise introduced or attempted to be introduced into the United States contrary to law. The Mod Act distinguishes between circumstances under which seizure of such merchandise is mandatory and those in which it is permissive. The proposed amendment follows the legislation and specifies the circumstances under which the mandatory and permissive seizures may take place. The proposed amendment also contains provisions for the detention of merchandise and the remission of articles subject to seizure and forfeiture.

**DATES:** Comments must be received on or before July 3, 1995.

**ADDRESSES:** Comments (preferably in triplicate) may be submitted to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, Franklin Court, 1301 Constitution Avenue, NW., Washington, DC 20229, and may be inspected at Franklin Court, 1099 14th Street NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Todd Schneider, Penalties Branch (202) 482-6950.

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 8, 1993, the President signed the North American Free Trade Agreement Implementation Act (Pub. L. 103-182). The Customs Modernization portion of this Act (Title VI), popularly known as the Customs Modernization Act, or "the Mod Act" became effective when it was signed. Section 624 of Title VI amended section 596(c) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)) to codify and clarify the circumstances under which merchandise may be seized and forfeited by Customs. Customs is now proposing to amend its regulations so that they will conform to the amended statute.

The Mod Act amendments to section 1595a(c) provide that merchandise which is introduced or attempted to be introduced into the United States contrary to law shall be treated in two different manners depending upon the circumstances of the introduction or attempted introduction. In instances where the merchandise is stolen, smuggled, or clandestinely imported or introduced or is a controlled substance or contraband article, seizure is mandatory.

Paragraph (a) of the proposed amendment addresses conditions where seizure is mandatory.

Paragraph (b) of the proposed amendment covers those situations in

which seizure is permissive. Seizure is permissive in instances where the merchandise is subject to health, safety or conservation restrictions which have not been complied with; when licenses, permits or other authorizations of a U.S. Government agency are required but do not accompany the merchandise; when copyright, trademark, or trade name violations are involved; when trade dress merchandise involved is in violation of a court order citing section 43 of the Act of July 5, 1946 (15 U.S.C. 1125); and when the merchandise is marked intentionally in violation of section 304, Tariff Act of 1930 (19 U.S.C. 1304). The legislation also provides that merchandise may be seized if it is merchandise for which the importer has received written notices that previous importations of identical merchandise from the same supplier were found to have been marked in violation of section 304, Tariff Act of 1930 (19 U.S.C. 1304).

Paragraph (c) of the proposed amendment provides instructions on procedures which Customs will follow in resolving questions which result from seizures which have been made under section 1595a(c).

Paragraph (d) of the proposed amendment contains language specifying that merchandise which is misclassified or incorrectly valued, where there is no issue of admissibility, will be subject to seizure only under section 1592.

The Mod Act also provides that merchandise which is subject to quantitative restrictions requiring a visa, permit, license or other similar document from the United States Government or a foreign government or issuing authority pursuant to a bilateral or multilateral agreement shall be subject to detention until the appropriate visa, license, permit or similar document or stamp is presented to Customs. However, if the visa, license, permit, or similar document or stamp is counterfeit as presented, the merchandise may be seized. This provision is contained in paragraph (e) of the proposed amendment.

**Comments**

Before adopting the proposed amendment, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the