

4. *Expiration Date.* This Directive expires three years after the date of issuance unless superseded or cancelled by that date.

5. *Office of Primary Interest.* Office of Personnel Policy, Office of the Deputy Assistant Secretary (Departmental Finance and Management), Office of the Assistant Secretary for Management & CFO.

George Muñoz,

Assistant Secretary for Management & CFO.

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## Customs Service

### List of Foreign Entities Violating Textile Transshipment and Country of Origin Rules

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

**ACTION:** General notice.

**SUMMARY:** This document notifies the public of foreign entities identified by Customs as having violated the textile transshipment rules. This list is authorized to be published by section 333 of the Uruguay Round Agreements Act.

**FOR FURTHER INFORMATION CONTACT:** For information regarding any of the operational aspects, contact Michael Compeau, Branch Chief, Seizures and Penalties Division, at 202-927-0762. For information regarding any of the legal aspects, contact Lars-Erik Hjelm, Office of Chief Counsel, at 202-927-6900.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 333 of the Uruguay Round Agreements Act (URAA)(Public Law 103-465, 108 Stat. 4809)(signed December 12, 1994), entitled Textile Transshipments, amended Part V of title IV of the Tariff Act of 1930 by creating a new section 592A (19 U.S.C. 1592A), which authorizes the Secretary of the Treasury to publish in the Federal Register, on a biannual basis, a list of the names of any producers, manufacturers, suppliers, sellers, exporters, or other persons located outside the Customs territory of the United States, when these entities have been issued a penalty claim under section 592 of the Tariff Act, for certain violations of the customs laws, provided that certain conditions are satisfied.

The violations of the Customs laws referred to above are the following: (1) Using documentation, or providing documentation subsequently used by the importer of record, which indicates

a false or fraudulent country of origin or source of textile or apparel products; (2) Using counterfeit visas, licenses, permits, bills of lading, or similar documentation, or providing counterfeit visas, licenses, permits, bills of lading, or similar documentation that is subsequently used by the importer of record, with respect to the entry into the customs territory of the United States of textile or apparel products; (3) Manufacturing, producing, supplying, or selling textile or apparel products which are falsely or fraudulently labelled as to country of origin or source; and (4) Engaging in practices which aid or abet the transshipment, through a country other than the country of origin, of textile or apparel products in a manner which conceals the true origin of the textile or apparel products or permits the evasion of quotas on, or voluntary restraint agreements with respect to, imports of textile or apparel products.

If a penalty claim has been issued with respect to any of the above violations, and no petition in response to the claim has been filed, the name of the party to whom the penalty claim was issued will appear on the list. If a petition, supplemental petition or second supplemental petition for relief from the penalty claim is submitted under 19 U.S.C. 1618, in accord with the time periods established by sections 171.32 and 171.33, Customs Regulations (19 CFR 171.32, 171.33) and the petition is subsequently denied or the penalty is mitigated, and no further petition, if allowed, is received within 30 days of the denial or allowance of mitigation, then the administrative action shall be deemed to be final and administrative remedies will be deemed to be exhausted. Consequently, the name of the party to whom the penalty claim was issued will appear on the list. However, provision is made for an appeal to the Secretary of the Treasury by the violator named on the list, for the removal of its name from the list. If the Secretary finds that such person or entity has not committed any of the enumerated violations for a period of not less than 3 years after the date on which the person or entity's name was published, the name will be removed from the list as of the next publication of the list.

#### Reasonable Care Required

New section 592A also requires any importer of record entering, introducing, or attempting to introduce into the commerce of the United States textile or apparel products that were either directly or indirectly produced, manufactured, supplied, sold, exported,

or transported by such named person to show, to the satisfaction of the Secretary, that such importer has exercised reasonable care to ensure that the textile or apparel products are accompanied by documentation, packaging, and labelling that are accurate as to its origin. Reliance solely upon information regarding the imported product from a person named on the list is clearly not the exercise of reasonable care. Thus, the textile and apparel importers who have some tangential relationship with one or more of the listed parties must exercise a degree of reasonable care in ensuring that the documentation covering the imported merchandise, as well as its packaging and labelling, is accurate as to the country of origin of the merchandise. This degree of reasonable care must rely on more than information supplied by the named party.

In meeting the reasonable care standard when importing textile or apparel products and when dealing with a party named on the list published pursuant to new section 592A of the Tariff Act of 1930, an importer should consider the following questions in attempting to ensure that the documentation, packaging, and labelling is accurate as to the country of origin of the imported merchandise. The list of questions is not exhaustive but is illustrative.

(1) Has the importer had a prior relationship with the named party?

(2) Has the importer had any detentions and/or seizures of textile or apparel products that were directly or indirectly produced, supplied, or transported by the named party?

(3) Has the importer visited the company's premises and ascertained that the company has the capacity to produce the merchandise?

(4) Where a claim of substantial transformation is made, has the importer ascertained that the named party actually substantially transforms the merchandise?

(5) Is the named party operating from the same country as is represented by that party on the documentation, packaging or labelling?

(6) Have quotas for the imported merchandise closed or are they nearing closing from the main producer countries for this commodity?

(7) What is the history of this country regarding this commodity?

(8) Have you asked questions of your supplier regarding the origin of the product?

(9) Where the importation is accompanied by a visa, permit, or license, has the importer verified with the supplier or manufacturer that the

visa, permit, and/or license is both valid and accurate as to its origin? Has the importer scrutinized the visa, permit or license as to any irregularities that would call its authenticity into question?

The new law authorizes a biannual publication of the names of the foreign violators. In the first publication which covered the period ending on March 31, 1995, a Federal Register notice published on April 3, 1995 (60 FR 16917) notified the public that no foreign entity fell within the purview of the new law within the period from the enactment of the new law on December 12, 1994 to the March 31, 1995 first publication date. Accordingly, no list was published for the period ending March 31, 1995.

#### 592A List

For the period ending September 30, 1995, Customs has identified 9 (nine) foreign entities that fall within the purview of new section 592A of the Tariff Act of 1930. These parties were assessed a penalty claim under 19 U.S.C. 1592, for one or more of the four above-described violations. The administrative penalty action was concluded against the parties by one of the actions noted above as having terminated the administrative process.

The names and addresses of the 9 foreign parties are as follows:

Beijing Garments Import & Export, No. 22 Fu Wai Street, Beijing, China.  
 China Artex Corporation Guangdong Company, 119 (2nd Building) Lihua Road, Guangshou, China.  
 China National Silk, Shangdong Branch, Silk Building, Zhan Liu Gan Road, Qingdao, China.  
 Cotton Breeze International, 13/1578 Govindpuri, New Delhi, India.  
 Hangzhou Tongda Textile Group, Room 918, Hangzhou Mansion, No. 1 Wulin Square, Hangzhou, China.  
 Hebei Garment I/E Corporation, 8 Jichang Road, Shijazhuang, China.  
 Poshak International, H-83 South Extension, Part-I (Back Side), New Delhi, India.  
 Shangdong Silk, Silk Building, Zhan Liu Gan Road, Qingdao, China.  
 United Fashions, C-7 Rajouri Garden, New Delhi, India.

Any of the above parties may petition to have its name removed from the list. Such petitions, to include any documentation that the petitioner deems pertinent to the petition, should be forwarded to the Assistant Commissioner, Office of Field Operations, United States Customs Service, 1301 Constitution Avenue, Washington, D.C. 20229.

#### Additional Foreign Entities

Customs is soliciting information regarding the whereabouts of the following 40 foreign entities concerning alleged violations of section 592A. Their name and last known address are listed below:

Bahadur International, 250 Naraw Industrial Area, New Delhi, India.  
 Madan Exports, E-106 Krishna Nagar, New Delhi, India.  
 Gulnar Fashion Export, 14 Hari Nagar, Ashram, New Delhi, India.  
 Janardhan Exports, E-106 Krishna Nagar, New Delhi, India.  
 Morrin International, E-106 Krishna Nagar, New Delhi, India.  
 Jai Arjun Mfg., Co., B 4/40 Paschim, Vihar, New Delhi, India.  
 Eroz Fashions, 535 Tuglakabad Extension, New Delhi, India.  
 China Tiancheng Corp., 191 Changle, Shanghai, China.  
 China Artex Corp. Beijing Arts, 132-16 Changan Avenue, Beijing, China.  
 Shenzhen Long Gang Ji Chuen, Shenzhen, Long Gang Zhen, China.  
 Traffic, D1/180 Lajpat Nagar, New Delhi, India.  
 Raj Connections, E-106 Krishna Nagar, Delhi, India.  
 Bao An Wing Shing Garment Factory, Ao Shi Qu, Bao An Shen Zhen, China.  
 Guidetex Garment Factory, 12 Qian Jin Dong Jie, Yao Tai Xian Yuan Li, Canton, China.  
 Dechang Garment Factory, Shantou S.E.Z., Cheng Hai, Cheng Shing, China.  
 Guangdong Provincial Improved, 60 Ren Min Road, Guangdong, China.  
 Kin Cheong Garment Factory, No. 13 Shantan Street, Sikou Country, Taishan, Kwangtong, China.  
 Gold Tube Ltd., No. 55 Hung To Road, Kwun Tong, Kowloon, Hong Kong.  
 Sam Hing Bags Factory, Ltd., #35 Tai Ping West Road, Jiu Jaing, Ghangdong, China.  
 Luen Kong Handbag Factory, 33 Nanyuan Road, Shenzhen, Guangdong, China.  
 NH Industries Ltd., 1507-8A Nan Fung Centre, 264-298 Castle Peak Road, Kowloon, Hong Kong.  
 Daiphi Enterprise Co. Ltd., 1/FL., No. 6-2, Lane 78 Sung Chiang Rd., Taipei, Taiwan.  
 Changping High Stage Knitting, Yuan Jing Yuan, Chau Li Qu Chang, Guangdong, China.  
 Arsian Company Ltd, XII Khorcolo, Waanbaatar, Mongolia.  
 Kin Fung Knitting Factory, Block A&B, 4th Flr Por Mee Bldg., 500 Casle Peak Rd., Kowloon, Hong Kong.  
 Cahaya Suria Sdn Bhd, Lot 5, Jalan 3, Kedah, Malaysia.

Domincan Do Sung Textile Co., Zona Franca Industrial, Bonca, Dominican Republic.  
 Crown Garments Factory Sdn Bhd, Lot 112, Jalan Kencana, Bagan Ajam, Malaysia.  
 Glee Dragon Garment Mfg. Ltd., 328 Castle Peak Rd., Room G 10Fl, Tsuen Kam Centre, Kowloon, Hong Kong.  
 Jentex Industrial Co., Ltd., P.O. Box 9-129, Rm 7-1, No. 246, Sec. 2, Chand-An Rd., Taipei, Taiwan.  
 Richman Garment Manufacturing Co., Ltd., 7th Fl, Singapore Industrial Bldg., 338 Kwun Tong Road, Kowloon, Hong Kong.  
 Herrel Company, 64 Rowell Road, Suva, Fiji.  
 Belwear Co., Ltd., Flat C, 3rd Floor, Yuk Yat Street, Kowloon, Hong Kong.  
 Hambridge Ltd., 9 Fl., Lladro Building 72-80, Hoi Yuen Road, Kwun Tong, Kowloon, Hong Kong.  
 Kingston Garment Ltd., Lot 42-44 Caracas Dr., Kingston, Jamaica.  
 Modernx International Inc., 3941, Kowloon, Hong Kong.  
 Poltex Sdn, 8 Jalan Serdang, Kedah, Malaysia.  
 Sam Hing International Enterprise, 5 Guernsey St., Guilford NSW, Australia.  
 Societe Prospere De Vetements S.A., Lome, Togo.  
 Yueh Wah Trading Co., Ltd., 6 Lane 299 Chung Cheng Road, Taipei, Taiwan.

If you have any information as to a correct mailing address for any of the above 40 firms, please send that information to: Assistant Commissioner, Office of Field Operations, United States Customs Service, 1301 Constitution Avenue, Washington, D.C. 20229.

Dated: September 22, 1995.

Samuel H. Banks,

*Assistant Commissioner, Office of Field Operations.*

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#### Office of Thrift Supervision

#### Public Information Collection Requirements Submitted to OMB for Review

September 22, 1995.

The Office of Thrift Supervision (OTS) has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-11. Copies of the submission(s) may be obtained by calling the OTS Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed