

TREASURY DECISIONS

UNDER CUSTOMS AND
OTHER LAWS

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HENRY MORGENTHAU, JR.
Secretary of the Treasury



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(d) The privilege of securing information from the appraiser before the invoice or the merchandise has come under his observation for the purpose of appraisal is predicated on cooperation by the importer. When the appraiser suspects that the importer is withholding information in his possession, or that the importer has not exercised due diligence to obtain the information requested, or otherwise questions the importer's good faith, he shall, prior to furnishing any information, request the importer to call at his office for questioning. If, after such questioning, and after such other investigation as he deems necessary, the appraiser is still not satisfied as to the importer's good faith, he shall refuse to give any information to such importer.

(e) Upon receipt of a request for information, the examiner shall give the latest information in his possession effective on the date of exportation, stating also the basis of his conclusion, or, in the absence of information as to values on or about the date of exportation of the shipment, shall advise the importer to that effect. If the request is in writing, a copy containing the conclusion of the examiner, if approved by the appraiser, or such other officer as he may designate for that purpose, shall be retained in the appraiser's files for consideration by the examiner when examining the merchandise, and the other copy given to the importer.

(f) If the appraiser does not have the information requested, he may, if the importer so desires, refer the request to the Customs Information Exchange for advice.

JAMES H. MOYLE,
Commissioner of Customs.

Approved June 24, 1937:

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[Filed with the Division of the Federal Register June 28, 1937, 3:00 p. m.]

(T. D. 49047)

Bureau of Customs

Order of the Secretary of the Treasury relating to the organization of the Bureau of Customs, the rights, privileges, powers, and duties of the Commissioner of Customs, and the duties of the personnel of the Bureau of Customs—T. D. 42102, T. D. 44221, T. D. 44708, T. D. 46156, and T. D. 47782 revoked

TREASURY DEPARTMENT, *June 22, 1937.*

To The Commissioner of Customs and Others Concerned:

Your attention is invited to the following provisions of law:

(A) United States Code (1934 edition) title 5, section 281:

There shall be in the Department of the Treasury a bureau to be known as the Bureau of Customs, and a Commissioner of Customs. The Commissioner of Customs shall be at the head of the Bureau of Customs, and the Commissioner of Customs shall be appointed by the Secretary of the Treasury, without regard to the civil service laws, and shall receive a salary at the rate of \$10,000 per annum. (Mar. 3, 1927, c. 348, sec. 1, 44 Stat. 1381; May 27, 1930, c. 342, sec. 8, 46 Stat. 430; July 3, 1930, c. 855, 46 Stat. 1009; Mar. 10, 1934, Ex. Or. 6639, sec. 1a.)

(B) United States Code (1934 edition) title 5, section 281a:

(a) The Secretary of the Treasury is authorized to appoint, in the bureau established by section 281 of this title, one assistant commissioner, three deputy commissioners, one chief clerk, and such attorneys and other officers and employees as he may deem necessary. One of the deputy commissioners of the Bureau of Customs shall have charge of investigations. Appointments under this subdivision shall be subject to the provisions of the civil service laws, and the salaries shall be fixed in accordance with section 661 to 674 of this title.

(b) The Secretary of the Treasury is authorized to designate an officer of the Bureau of Customs to act as Commissioner of Customs, during the absence or disability of the Commissioner of Customs, or in the event that there is no Commissioner of Customs.

(c) The personnel of the Bureau of Customs shall perform such duties (other than duties in connection with the administration of chapters 2 and 3 of Title 27), as the Secretary of the Treasury or the Commissioner of Customs may prescribe. (Mar. 3, 1927, c. 348, sec. 2, 44 Stat. 1381; May 27, 1930, c. 342, sec. 8, 46 Stat. 430; June 17, 1930, c. 497, Title IV, sec. 630, 46 Stat. 762; Mar. 10, 1934, Ex. or. 6639, sec. 1a.)

(C) United States Code (1934 edition) title 5, section 281b (a):

The Secretary of the Treasury is authorized to confer or impose upon the Commissioner of Customs or any of the officers of the Bureau of Customs any of the rights, privileges, powers, or duties, in respect of the importation or entry of merchandise into, or exportation of merchandise from, the United States, vested in or imposed upon the Secretary of the Treasury by the Tariff Act of September 21, 1922 (chapter 356, 42 Statutes 858), or by any other law.

(D) United States Code (1934 edition) title 19, section 1643:

The rights, privileges, powers, and duties vested in or imposed upon the Secretary of the Treasury by this Act (The Tariff Act of 1930) shall be subject to the provisions of subdivision (a) of section 281b of Title 5. (June 17, 1930, c. 497, Title IV, sec. 643, 46 Stat. 761.)

Pursuant to the authority conferred upon the Secretary of the Treasury by the provisions of law cited above, it is hereby ordered:

I. RIGHTS, PRIVILEGES, POWERS, AND DUTIES CONFERRED OR IMPOSED UPON THE COMMISSIONER OF CUSTOMS

(1) There are hereby conferred and imposed upon the Commissioner of Customs, subject to the general supervision and direction of the Secretary of the Treasury, all the rights, privileges, powers, and duties, in respect of the importation or entry of merchandise into, or the exportation of merchandise from, the United States, vested in or imposed upon the Secretary of the Treasury by the Tariff Act of 1930, as amended, subject to the following exceptions and conditions:

(a) Whenever in the opinion of the Commissioner of Customs any question pending for decision is of exceptional importance, he shall submit the question to the Secretary of the Treasury, and the decision thereon shall be made by the Secretary of the Treasury and not by the Commissioner of Customs.

(b) All regulations shall be prescribed by the Commissioner of Customs, with the approval of the Secretary of the Treasury.

(c) Requirements of regulations which may be waived in accordance with law may be waived by the Commissioner of Customs, but if any new question or unusual circumstance is involved the waiver must be approved by the Secretary of the Treasury.

(d) The ascertainment, determination, or estimation, and declaration of bounties or grants under section 303 shall be made by the Commissioner of Customs, with the approval of the Secretary of the Treasury.

(e) Any order under section 511 prohibiting the importation of merchandise or instructing a collector to withhold delivery of merchandise shall be made by the Commissioner of Customs, with the approval of the Secretary of the Treasury.

(f) No claim, fine, or penalty in excess of \$5,000 shall be compromised, remitted, or mitigated without the approval of the Secretary of the Treasury. This order shall not limit the authority granted to collectors of customs in article 1114 of the Customs Regulations of 1931, relating to the release of seized property when the duty does not exceed \$50.

(g) Any authority which may be vested in the Secretary of the Treasury by proclamation of the President made pursuant to section 318 shall be exercised by the Secretary of the Treasury and not by the Commissioner of Customs.

(h) Awards of compensation to informers under section 619 shall be made by the Commissioner of Customs, with the approval of the Assistant Secretary of the Treasury.

(2) There is hereby conferred and imposed upon the Commissioner of Customs, subject to the general supervision and direction of the Secretary of the Treasury, the authority vested in the Secretary of the Treasury by section 32 of the act of Congress entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909 (United States Code title 17, section 32), to permit the exportation of books imported in violation of the provisions of that act and subject to forfeiture under its terms.

II. ACTING COMMISSIONER AND ACTING ASSISTANT COMMISSIONER

(1) The Assistant Commissioner shall act as Commissioner of Customs during the absence or disability of the Commissioner, or in the event that there is no Commissioner.

(2) During the absence or disability of the Commissioner of Customs and the Assistant Commissioner of Customs or in case there is no Commissioner or Assistant Commissioner, the deputy commissioner in charge of administrative activities shall act as Commissioner of

Customs. The said deputy commissioner shall act as Assistant Commissioner during the absence or disability of the Assistant Commissioner or in case there is no Assistant Commissioner.

III. PREVIOUS ORDERS SUPERSEDED

- (1) This order shall be effective on and from the date of its approval.
- (2) This order supersedes the orders of the Secretary of the Treasury published in T. D. 42102 and T. D. 44221 and the supplementary orders published in T. D. 44708, T. D. 46156 and T. D. 47782 and any instructions in conflict herewith.
- (3) The right to amend or supplement this order, or any part thereof, from time to time, or to revoke this order or any provision thereof, at any time, is expressly reserved.

(112850.)

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

(T. D. 49048)

Entry of articles for exhibition at the Great Lakes Exposition

Regulations for entry of articles for the exhibition to be held at Cleveland, Ohio, in 1937, by the Great Lakes Exposition

TREASURY DEPARTMENT, *June 24, 1937.*

To Collectors of Customs and Others Concerned:

Attention is invited to the provisions of Public Resolution 37 of the Seventy-fifth Congress, approved May 28, 1937, which read as follows:

That all articles which shall be imported from foreign countries for the purpose of exhibition at the international exposition to be held at Cleveland, Ohio, beginning in May 1937, by Great Lakes Exposition, or for use in constructing, installing, or maintaining foreign buildings, or exhibits at the said exhibition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because