

SECTION XXII

SPECIAL CLASSIFICATION PROVISIONS;
TEMPORARY LEGISLATION; TEMPORARY MODIFICATIONS ESTABLISHED
PURSUANT TO TRADE LEGISLATION; ADDITIONAL IMPORT RESTRICTIONS
ESTABLISHED PURSUANT TO SECTION 22 OF THE AGRICULTURAL
ADJUSTMENT ACT, AS AMENDED

CHAPTER 98
SPECIAL CLASSIFICATION PROVISIONS

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U.S. Notes

1. The provisions of this chapter are not subject to the rule of relative specificity in general rule of interpretation 3(a). Any article which is described in any provision in this chapter is classifiable in said provision if the conditions and requirements thereof and of any applicable regulations are met.
2. In the absence of a specific provision to the contrary, the tariff status of an article is not affected by the fact that it was previously imported into the customs territory of the United States and cleared through customs whether or not duty was paid upon such previous importation.
3. Any article exempted under subchapters IV through VII, inclusive, or subchapter IX from the payment of duty shall be exempt also from the payment of any internal-revenue tax imposed upon or by reason of importation.

Statistical Notes

1. Statistical data are not to be furnished with respect to articles classified in those headings of this chapter for which no statistical suffix is shown.
2. For articles provided for in this chapter, the rate of duty for which is derived from a provision elsewhere in the tariff schedule, the citation to be used in statistical reporting shall be the 10-digit statistical reporting number provided in this chapter followed by the reporting number of the provision from which such rate is derived. The unit of quantity reported hereunder for such articles shall be the same as the unit of quantity for the provision from which the rate was derived. For example, 10 new fully automatic arc welding machines exported for repairs or alterations pursuant to a warranty and returned to the United States the statistical reporting number shall be 9802.00.4040-8515.31.0000, with the quantity being shown as 10 and the value as dutiable value.

SUBCHAPTER I

ARTICLES EXPORTED AND RETURNED, NOT ADVANCED OR
IMPROVED IN CONDITION; ANIMALS EXPORTED AND RETURNED

XXII
98-3

U.S. Notes

1. The provisions in this subchapter (except subheadings 9801.00.70 and 9801.00.80) shall not apply to any article:
 - (a) Exported with benefit of drawback;
 - (b) Of a kind with respect to the importation of which an internal-revenue tax is imposed at the time such article is entered, unless such article was subject to an internal-revenue tax imposed upon production or importation at the time of its exportation from the United States and it shall be proved that such tax was paid before exportation and was not refunded; or
 - (c) Manufactured or produced in the United States in a customs bonded warehouse or under heading 9813.00.05 and exported under any provision of law.
2. For the purposes of subheadings 9801.00.70 and 9801.00.80:
 - (a) When because of the destruction of customs records or for other cause it is impracticable to establish whether drawback was allowed, or the amount allowed, on a returned article, 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 returned article were dutiable or taxable at the rate applicable to such merchandise on the date of entry, but in no case more than the duty and tax that would apply if the article were wholly of foreign origin;
 - (b) Tobacco products and cigarette papers and tubes classifiable under such subheading may be released from customs custody, without payment of that part of duty attributable to the internal-revenue tax, for return to internal-revenue bond as provided by section 5704(d) of the Internal Revenue Code of 1954; and
 - (c) In order to facilitate the ascertainment and collection of the duty provided for, 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 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.

| | | |
|------------|---|------|
| 9801.00.10 | Products of the United States when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means while abroad..... | Free |
| 10 | Articles previously exported with intent to reimport after temporary use abroad..... | X |
| 25 | Articles returned temporarily for repair, alteration, processing or the like, the foregoing to be reexported..... | X |
| | Other: | |
| 26 | Peanuts provided for in heading 1202..... | kg |
| 27 | Articles provided for in chapter 28..... | X |
| 29 | Articles provided for in chapter 37..... | X |
| 31 | Articles provided for in chapter 82..... | X |
| | Articles provided for in chapter 84: | |
| 35 | Articles provided for in headings 8407.10, 8409.10, 8411 or 8412.10... | X |
| 37 | Articles provided for in headings 8419.31, 8424.81, 8424.90, 8429.11, 8429.19, 8431.42, 8432, 8433, 8434 or 8436..... | X |
| 43 | Articles provided for in headings 8469, 8470, 8471, 8472 or 8473..... | X |
| 45 | Other..... | X |
| | Articles provided for in chapter 85: | |
| 49 | Articles provided for in headings 8501, 8502 or 8503..... | X |
| 51 | Articles provided for in heading 8504..... | X |
| 53 | Articles provided for in headings 8517, 8520, 8525, 8527 or 8529..... | X |
| 55 | Other..... | X |
| 59 | Articles provided for in chapter 86..... | X |
| | Articles provided for in chapter 87: | |
| 63 | Articles provided for in heading 8701..... | X |
| 65 | Articles provided for in heading 8703..... | X |
| 67 | Articles provided for in headings 8706, 8707 or 8708..... | X |
| 69 | Articles provided for in headings 8705 or 8709..... | X |
| 71 | Other..... | X |
| | Articles provided for in chapter 88: | |
| 75 | Articles provided for in headings 8801 or 8802..... | X |
| 77 | Articles provided for in headings 8803 or 8804..... | X |
| 79 | Article provided for in heading 8805..... | X |
| 81 | Other..... | X |
| 89 | Articles provided for in chapter 89..... | X |
| 90 | Articles provided for in chapter 90..... | X |
| | Articles provided for in chapter 94: | |
| 92 | Articles provided for in headings 9401, 9402 or 9403..... | X |
| 94 | Other..... | X |
| 96 | Other..... | X |

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|------------|-----------|---|------|------|
| 9801.00.20 | 00 | Articles, previously imported, with respect to which the duty was paid upon such previous importation or which were previously free of duty pursuant to the Caribbean Basin Economic Recovery Act or Title V of the Trade Act of 1974, if (1) reimported, without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, after having been exported under lease or similar use agreements, and (2) reimported by or for the account of the person who imported it into, and exported it from, the United States..... X..... | Free | Free |
| 9801.00.25 | 00 | Articles, previously imported, with respect to which the duty was paid upon such previous importation if (1) exported within three years after the date of such previous importation, (2) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, (3) reimported for the reason that such articles do not conform to sample or specifications, and (4) reimported by or for the account of the person who imported them into, and exported them from, the United States..... X..... | Free | Free |
| 9801.00.30 | 00 | Any aircraft engine or propeller, or any part or accessory of either, previously imported, with respect to which the duty was paid upon such previous importation, if (1) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, after having been exported under loan, lease or rent to an aircraft owner or operator as a temporary replacement for an aircraft engine being overhauled, repaired, rebuilt or reconditioned in the United States, and (2) reimported by or for the account of the person who exported it from the United States..... X..... | Free | Free |
| | | Articles, when returned after having been exported for use temporarily abroad solely for any of the following purposes, if imported by or for the account of the person who exported them: | | |
| 9801.00.40 | <u>1/</u> | Exhibition, examination or experimentation, for scientific or educational purposes..... | Free | Free |
| 9801.00.50 | <u>1/</u> | Exhibition in connection with any circus or menagerie..... | Free | Free |
| 9801.00.60 | <u>1/</u> | Exhibition or use at any public exposition, fair or conference..... | Free | Free |

1/ See chapter 98 statistical note 1.

| | | | | |
|------------|-----------|---|--|--|
| | | Articles, when returned after having been exported for use temporarily abroad solely for any of the following purposes, if imported by or for the account of the person who exported them (con.): | | |
| 9801.00.65 | <u>1/</u> | | Rendition of geophysical or contracting services in connection with the exploration for, or the extraction or development of, natural resources..... | Free Free |
| | | Articles previously exported from the United States which--except for U.S. note 1 of this subchapter--would qualify for free entry under one of the foregoing items and are not otherwise free of duty: | | |
| 9801.00.70 | 00 | | Aircraft exported from the United States with benefit of drawback or heading | |
| | | 9813.00.05..... | X..... | A duty equal to the duty upon the importation of like articles not previously exported, but in no case in excess of the sum of (a) any customs drawback proved to have been allowed upon such exportation, and (b) the duty which would have been payable on any articles used in the manufacture or production of such aircraft had they not been entered and exported under heading 9813.00.05 |
| | | | | Free (CA,IL,MX) |
| | | | | A duty equal to the duty upon the importation of like articles not previously exported, but in no case in excess of the sum of (a) any customs drawback proved to have been allowed upon such exportation, and (b) the duty which would have been payable on any articles used in the manufacture or production of such aircraft had they not been entered and exported under heading 9813.00.05 |

1/ See chapter 98 statistical note 1.

Articles previously exported from the United States which--except for U.S. note 1 of this subchapter--would qualify for free entry under one of the foregoing items and are not otherwise free of duty (con.):

| | | | | | |
|------------|----|--|---|-----------------|---|
| 9801.00.80 | 00 | Other, except articles excluded by U.S. note 1(c) of this subchapter..... X..... | A duty (in lieu of any other duty or tax) equal to the sum of any duty and internal-revenue tax imposed upon the importation of like articles not previously exported, but in no case in excess of the sum of (a) any customs drawback proved to have been allowed upon such exportation of the article, and (b) any internal-revenue tax imposed, at the time such article is entered, upon the importation of like articles not previously exported | Free (CA,IL,MX) | A duty (in lieu of any other duty or tax) equal to the sum of any duty and internal-revenue tax imposed upon the importation of like articles not previously exported, but in no case in excess of the sum of (a) any customs drawback proved to have been allowed upon such exportation of the article, and (b) any internal-revenue tax imposed, at the time such article is entered, upon the importation of like articles not previously exported |
| 9801.00.85 | 00 | Professional books, implements, instruments, and tools of trade, occupation, or employment, when returned to the United States after having been exported for use temporarily abroad, if imported by or for the account of the person who exported such items..... X..... | Free | | Free |
| 9801.00.90 | 00 | Animals, domesticated, straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purpose only, together with their offspring; all the foregoing if brought back to the United States within 8 months..... No..... | Free | | Free |

SUBCHAPTER II
ARTICLES EXPORTED AND RETURNED, ADVANCED OR IMPROVED ABROAD

XXII
98-9

U.S. Notes

1. Except for goods subject to NAFTA drawback, this subchapter shall not apply to any article exported:
 - (a) From continuous customs custody with remission, abatement or refund of duty;
 - (b) With benefit of drawback;
 - (c) To comply with any law of the United States or regulation of any Federal agency requiring exportation; or
 - (d) After manufacture or production in the United States under heading 9813.00.05.
2. (a) Except as provided in paragraph (b), any product of the United States which is returned after having been advanced in value or improved in condition abroad by any process of manufacture or other means, or any imported article which has been assembled abroad in whole or in part of products of the United States, shall be treated for the purposes of this Act as a foreign article, and, if subject to a duty which is wholly or partly ad valorem, shall be dutiable, except as otherwise prescribed in this part, on its full value determined in accordance with section 402 of the Tariff Act of 1930, as amended. If such product or such article is dutiable at a rate dependent upon its value, the value for the purpose of determining the rate shall be its full value under the said section 402.
 - (b) No article (except a textile article, apparel article, or petroleum, or any product derived from petroleum, provided for in heading 2709 or 2710) may be treated as a foreign article, or as subject to duty, if--
 - (i) the article is--
 - (A) assembled or processed in whole of fabricated components that are a product of the United States, or
 - (B) processed in whole of ingredients (other than water) that are a product of the United States, in a beneficiary country; and
 - (ii) neither the fabricated components, materials or ingredients, after exportation from the United States, nor the article itself, before importation into the United States, enters the commerce of any foreign country other than a beneficiary country.

As used in this paragraph, the term "beneficiary country" means a country listed in general note 7(a).
3. Articles repaired, altered, processed or otherwise changed in condition abroad.--The following provisions apply only to subheadings 9802.00.40 through 9802.00.60, inclusive:
 - (a) The value of repairs, alterations, processing or other change in condition outside the United States shall be:
 - (i) The cost to the importer of such change; or
 - (ii) If no charge is made, the value of such change, as set out in the invoice and entry papers; except that, if the appraiser concludes that the amount so set out does not represent a reasonable cost or value, then the value of the change shall be determined in accordance with section 402 of the Tariff Act of 1930, as amended.
 - (b) No appraisement of the imported article in its changed condition shall be required unless necessary to a determination of the rate or rates of duty applicable to such article.
 - (c) The duty, if any, upon the value of the change in condition shall be at the rate which would apply to the article itself, as an entirety without constructive separation of its components, in its condition as imported if it were not within the purview of this subchapter. If the article, as returned to the United States, is subject to a specific or compound rate of duty, such rate shall be converted to the ad valorem rate which when applied to the full value of such article determined in accordance with said section 402 would provide the same amount of duties as the specific or compound rate. In order to compute the duties due, the ad valorem rate so obtained shall be applied to the value of the change in condition made outside the United States.
 - (d) For purposes of subheading 9802.00.60, the term "metal" covers (1) the base metals enumerated in additional U.S. note 1 to section XV; (2) arsenic, barium, boron, calcium, mercury, selenium, silicon, strontium, tellurium, thorium, uranium and the rare-earth elements; and (3) alloys of any of the foregoing.
4. Articles assembled abroad with components produced in the United States.--The following provisions apply only to headings 9802.00.80 and 9802.00.90:
 - (a) The value of the products of the United States assembled into the imported article shall be:
 - (i) The cost of such products at the time of the last purchase; or
 - (ii) If no charge is made, the value of such products at the time of the shipment for exportation, as set out in the invoice and entry papers; except that, if the appraiser concludes that the amount so set out does not represent a reasonable cost or value, then the value of such products shall be determined in accordance with section 402 of the Tariff Act of 1930, as amended.

- (b) The duty, if any, on the imported article shall be at the rate which would apply to the imported article itself, as an entirety without constructive separation of its components, in its condition as imported if it were not within the purview of this subchapter. If the imported article is subject to a specific or compound rate of duty, the total duties shall be reduced in such proportion as the cost or value of such products of the United States bears to the full value of the imported article.
- 5. No imported article shall be accorded partial exemption from duty under more than one provision in this subchapter.
- 6. Notwithstanding the partial exemption from ordinary customs duties on the value of the metal product exported from the United States provided under subheading 9802.00.60, articles imported under subheading 9802.00.60 are subject to all other duties, and any other restrictions or limitations, imposed pursuant to title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), or chapter 1 of title II or chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2251 et seq., 19 U.S.C. 2411 et seq.).

Statistical Note

- 1. For articles admitted under statistical reporting number 9802.00.6000, 9802.00.8015, 9802.00.8055 or 9802.00.8065 two values shall be reported--the first following the first statistical reporting number of the statistical citation (i.e., 9802.00.6000, 9802.00.8015, 9802.00.8055 or 9802.00.8065) and the second following the statistical reporting number of the provision in chapters 1-97 from which the rate of duty is derived, as follows:
 - (a) For statistical reporting number 9802.00.6000:
 - (i) The total value of the article less the value of the foreign processing; and
 - (ii) The dutiable value, i.e., the value of the foreign processing, respectively.
 - (b) For statistical reporting number 9802.00.8015, 9802.00.8055 or 9802.00.8065:
 - (i) The value of the U.S. fabricated components; and
 - (ii) The dutiable value, i.e., the total value of the articles less the value of the U.S. fabricated components, respectively.
- 2. For articles for which duty free treatment is claimed under U.S. note 2(b) to subchapter II of this chapter, the citation to be used in statistical reporting shall be the 10-digit statistical reporting number provided in this subchapter followed by the reporting number of the provision in chapters 1 through 97 which would ordinarily apply to the articles. The unit of quantity reported hereunder for such articles shall be the same as the unit of quantity for the provision from chapters 1 through 97.

For articles admitted under statistical reporting numbers 9802.00.5010 and 9802.00.8040 two values shall be reported--the first following the first statistical reporting number of the statistical citation (i.e., 9802.00.5010 or 9802.00.8040) and the second following the statistical reporting number of the provision in chapters 1-97 which would ordinarily apply:

 - (a) For statistical reporting number 9802.00.5010:
 - (i) The total value of the article less the value of the foreign processing; and
 - (ii) The dutiable value, i.e., the value of the foreign processing, respectively.
 - (b) For statistical reporting number 9802.00.8040:
 - (i) The value of the U.S. fabricated components or materials; and
 - (ii) The dutiable value, i.e., the total value of the articles less the value of the U.S. fabricated components, respectively.
- 3. For articles admitted under statistical reporting number 9802.00.9000 the citation to be used in statistical reporting shall be 9802.00.9000 followed by the statistical reporting number of the provision in chapters 1-97 which would ordinarily apply to the articles. The unit of quantity reported hereunder for such articles shall be the same as the unit of quantity for the provision from chapters 1 to 97. In addition, two values shall be reported--the first following statistical reporting number 9802.00.9000 and the second following the statistical reporting number from chapters 1-97, as follows:
 - (a) The value of the products of the United States assembled into the imported articles; and
 - (b) The total value of the articles less the value of the products of the United States assembled into the imported articles, respectively.

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| 9802.00.20 | 00 | Photographic films and dry plates manufactured in the United States (except motion-picture films to be used for commercial purposes) and exposed abroad, whether developed or not..... X..... | Free | Free |
| | | Articles returned to the United States after having been exported to be advanced in value or improved in condition by any process of manufacture or other means: | | |
| 9802.00.40 | | Articles exported for repairs or alterations: Repairs or alterations made pursuant to a warranty..... | A duty upon the value of the repairs or alterations (see U.S. note 3 of this subchapter) | Free (B,C,CA,IL, MX) |
| | 20 | Internal combustion engines.....dutiabale value.. | <u>1/</u> | |
| | 40 | Other.....dutiabale value.. | <u>1/</u> | |
| 9802.00.50 | | Other..... | A duty upon the value of the repairs or alterations (see U.S. note 3 of this subchapter) | Free (IL,MX) A duty upon the value of the repairs or alterations (see U.S. note 3 of this subchapter) (B,C,CA) |
| | 10 | Articles for which duty free treatment is claimed under U.S. note 2(b) to this subchapter..... | <u>2/</u> | |
| | 30 | Other: Internal combustion engines.....dutiabale value.. | <u>1/</u> | |
| | 60 | Other.....dutiabale value.. | <u>1/</u> | |
| 9802.00.60 | 00 | Any article of metal (as defined in U.S. note 3(d) of this subchapter) manufactured in the United States or subjected to a process of manufacture in the United States, if exported for further processing, and if the exported article as processed outside the United States, or the article which results from the processing outside the United States, is returned to the United States for further processing..... | <u>1/ 3/</u> | A duty upon the value of such processing outside the United States (see U.S. note 3 of this subchapter) |
| | | of such processing outside the United States (see U.S. note 3 of this | | Free (IL) A duty upon the value of such processing outside the United States (see U.S. note 3 of this subchapter) (B,C,CA,MX) |
| | | | | A duty upon the value of such processing outside the United States (see U.S. note 3 of this subchapter) |

- 1/ See chapter 98 statistical note 2.
- 2/ See subchapter II statistical note 2.
- 3/ See subchapter II statistical note 1.

| | | | |
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| 9802.00.80 | Articles, except goods of heading 9802.00.90, assembled abroad in whole or in part of fabricated components, the product of the United States, which (a) were exported in condition ready for assembly without further fabrication, (b) have not lost their physical identity in such articles by change in form, shape or otherwise, and (c) have not been advanced in value or improved in condition abroad except by being assembled and except by operations incidental to the assembly process such as cleaning, lubricating and painting..... | A duty upon | Free (IL) |
| | A duty upon | | |
| | the full | the full | A duty upon |
| | value of | value of | the full |
| | the im- | the im- | value of |
| | ported | ported | the im- |
| | article, | article, | ported |
| | less the | less the | article, |
| | cost or | cost or | less the |
| | value of | value of | cost or |
| | such prod- | such prod- | value of |
| | ucts of | ucts of the | such prod- |
| | the United | United | ucts of the |
| | States | States (see | United |
| | (see U.S. | U.S. note 4 | States (see |
| | note 4 of | of this | U.S. note 4 |
| | this sub- | subchapter) | of this |
| | subchapter) | chapter) | |
| | 15 | Articles eligible pursuant to bilateral textile agreements for entry under a Special Access Program and entered in compliance with procedures established by the Committee for the Implementation of Textile Agreements (CITA)..... | (B, C, CA, E, J, MX) |
| | <u>1/</u> | <u>1/ 2/</u> | |
| | 40 | Articles for which duty free treatment is claimed under U.S. note 2(b) to this subchapter..... | |
| | <u>3/</u> | <u>3/</u> | |
| | 55 | Textile or apparel goods described in additional U.S. note 3(c) to section XI..... | |
| | <u>1/</u> | <u>1/ 2/</u> | |
| | 65 | Other..... | |
| | <u>1/</u> | <u>1/ 2/</u> | |
| 9802.00.90 | 00 Textile and apparel goods, assembled in Mexico in which all fabric components were wholly formed and cut in the United States, provided that such fabric components, in whole or in part, (a) were exported in condition ready for assembly without further fabrication, (b) have not lost their physical identity in such articles by change in form, shape or otherwise, and (c) have not been advanced in value or improved in condition abroad except by being assembled and except by operations incidental to the assembly process; provided that goods classifiable in chapters 61, 62 or 63 may have been subject to bleaching, garment dyeing, stone-washing, acid-washing or perma-pressing after assembly as provided for herein..... | <u>4/</u> | Free (see U.S. note 4 of this subchapter) |

1/ See chapter 98 statistical note 2.
2/ See subchapter II statistical note 1.
3/ See subchapter II statistical note 2.

4/ See subchapter II statistical note 3.

SUBCHAPTER III
SUBSTANTIAL CONTAINERS OR HOLDERS

U.S. Notes

1. This subchapter covers only the following:
 - (a) Substantial containers or holders which are subject to tariff treatment as imported articles and are:
 - (i) Imported empty and not within the purview of a provision which specifically exempts them from duty; or
 - (ii) Imported containing or holding articles, and which are not of a kind normally sold therewith or are entered separately therefrom; and
 - (b) Certain repair components, accessories and equipment.
2. This subchapter does not apply to any container or holder:
 - (a) Exported with benefit of drawback and returned empty; or
 - (b) Manufactured or produced in the United States in a customs bonded warehouse or under heading 9813.00.05 and exported under any provision of law.
3. In order to facilitate the prompt clearance at ports of entry of substantial containers and holders provided for in this subchapter, the Secretary of the Treasury is authorized:
 - (a) To permit the admission thereof without entry if readily identifiable as meeting the conditions of free entry set forth in this subchapter; and
 - (b) To permit any duties thereon to be paid cumulatively from time to time either before or after their importation when conditions exist which permit adequate customs controls to be maintained.
4. Instruments of international traffic, such as containers, lift vans, rail cars and locomotives, truck cabs and trailers, etc. are exempt from formal entry procedures but are required to be accounted for when imported and exported into and out of the United States, respectively, through the manifesting procedures required for all international carriers by the United States Customs Service. Fees associated with the importation of such instruments of international traffic shall be reported and paid on a periodic basis as required by regulations issued by the Secretary of the Treasury and in accordance with 1956 Customs Convention on Containers (20 UST 30; TIAS 6634).

9803.00.50 1/ Substantial containers and holders, if products of the United States (including shooks and staves of United States production when returned as boxes or barrels containing merchandise), or if of foreign production and previously imported and duty (if any) thereon paid, or if of a class specified by the Secretary of the Treasury as instruments of international traffic, repair components for containers of foreign production which are instruments of international traffic, and accessories and equipment for such containers, whether the accessories and equipment are imported with a container to be reexported separately or with another container, or imported separately to be reexported with a container..... Free Free

1/ See chapter 98 statistical note 1.

SUBCHAPTER IV
PERSONAL EXEMPTIONS EXTENDED TO RESIDENTS
AND NONRESIDENTS

XXII
98-17

U.S. Notes

1. If:
 - (a) Any jewelry or similar articles of personal adornment having an aggregate value of \$300 or more which have been exempted from duty under subheading 9804.00.20 is sold within 3 years after the date of importation; or
 - (b) Any article which has been exempted from duty under subheading 9804.00.35 is sold within 1 year after the date of importation; or
 - (c) Any automobile exempted from duty under subheading 9804.00.60 is used otherwise than for the purpose therein expressed or is not returned abroad within the time and manner prescribed by the Secretary of the Treasury,

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 any of these subheadings, such article, or its value (to be recovered from the importer), shall be subject to forfeiture. An article sold pursuant to a judicial order or in liquidation of the estate of a decedent shall not be subject to the provisions of this note.
2. 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 in subheading 9804.00.70 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 such exemption 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 24 hours, and, after the expiration of 90 days after the date of such regulation or instruction, allowance of the said exemption shall be subject to the limitations so prescribed.
3. A person arriving in the United States:
 - (a) On duty as an employee of a vessel, vehicle or aircraft, engaged in international traffic, or
 - (b) From a trip during which he was so employed,shall not be entitled to the exemptions provided for in this subchapter (other than those in heading 9804.00.80), unless he is permanently leaving such employment without the intention of resuming it on the same or another carrier.
4. As used in subheadings 9804.00.70 and 9804.00.72, the term "beneficiary country" means a country listed in general notes 7(a) or 11(a).

| | | | | |
|------------|-----------|---|------|------|
| | | Articles imported by or for the account of any person arriving in the United States from a foreign country: | | |
| 9804.00.05 | <u>1/</u> | Books, libraries, usual and reasonable furniture and similar household effects, if actually used abroad by him or by him and his family not less than one year, and not intended for any other person, or for sale..... | Free | Free |
| 9804.00.10 | <u>1/</u> | Professional books, implements, instruments and tools of trade, occupation or employment, which have been taken abroad by him or for his account..... | Free | Free |
| | | Articles by or for the account of any person emigrating from a foreign country to the United States: | | |
| 9804.00.15 | <u>1/</u> | Professional books, implements, instruments and tools of trade, occupation or employment (not including theatrical scenery, properties or apparel, and not including articles for use in any manufacturing establishment, for any other person or for sale), owned and used by him abroad..... | Free | Free |
| | | Articles imported by or for the account of any person arriving in the United States who is not a returning resident thereof: | | |
| 9804.00.20 | <u>1/</u> | 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..... | Free | Free |
| 9804.00.25 | <u>1/</u> | Not over 50 cigars, or 200 cigarettes, or 2 kilograms of smoking tobacco or a proportionate amount of each, and not over 1 liter of alcoholic beverages, when brought in by an adult nonresident for his own consumption..... | Free | Free |
| 9804.00.30 | <u>1/</u> | Not exceeding \$100 in value of articles (not including alcoholic beverages and cigarettes but including not more than 100 cigars) accompanying such person to be disposed of by him as bona fide gifts, if such person has not claimed an exemption under this subheading 9804.00.30 within the 6 months immediately preceding his arrival and he intends to remain in the United States for not less than 72 hours..... | Free | Free |
| 9804.00.35 | <u>1/</u> | Automobiles, trailers, aircraft, motor-cycles, 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..... | Free | Free |

1/ See chapter 98 statistical note 1.

| | | | |
|---|-----------|---|---|
| Articles imported by or for the account of any person arriving in the United States who is not a returning resident thereof (con.): | | | |
| 9804.00.40 | <u>1/</u> | Not exceeding \$200 in value of articles (including not more than 4 liters of alcoholic beverages) 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..... | Free Free |
| Articles imported by or for the account of any person arriving in the United States who is a returning resident thereof (including American citizens who are residents of American Samoa, Guam or the Virgin Islands of the United States): | | | |
| 9804.00.45 | <u>1/</u> | All personal and household effects taken abroad by him or for his account..... | Free Free |
| 9804.00.50 | <u>1/</u> | Articles of metal (including medals, trophies and prizes), bestowed upon him abroad, as honorary distinctions, by foreign countries or citizens of foreign countries..... | Free Free |
| 9804.00.55 | <u>1/</u> | Game animals (including birds and fish) killed abroad by him and imported by him for noncommercial purposes..... | Free Free |
| 9804.00.60 | <u>1/</u> | Automobiles rented by any resident of the United States while abroad and imported for the transportation of such resident, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the automobile..... | Free, for such temporary periods as the Secretary of the Treasury by regulation may prescribe Free (CA,IL,MX) Free, for such temporary periods as the Secretary of the Treasury by regulation may prescribe |

1/ See chapter 98 statistical note 1.

Articles imported by or for the account of any person arriving in the United States who is a returning resident thereof (including American citizens who are residents of American Samoa, Guam or the Virgin Islands of the United States) (con.):

Other articles acquired abroad as an incident of the journey from which the person is returning if such person arrives from the Virgin Islands of the United States or from a contiguous country which maintains a free zone or free port, or arrives from any other country after having remained beyond the United States for a period of not less than 48 hours, 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 and if such person has not claimed, an exemption under subheadings 9804.00.65, 9804.00.70 and 9804.00.72 within 30 days preceding his arrival, and claims exemption under only one of such items on his arrival:

9804.00.65 1/

Articles, accompanying a person, not over \$400 in aggregate fair retail value in the country of acquisition, including (but only in the case of an individual who has attained the age of 21) not more than 1 liter of alcoholic beverages and including not more than 200 cigarettes and 100 cigars..... Free

Free

9804.00.70 1/

Articles whether or not accompanying a person, not over \$1200 in aggregate fair market value in the country of acquisition, including:
 (a) but only in the case of an individual who has attained the age of 21, not more than 5 liters of alcoholic beverages, not more than 1 liter of which shall have been acquired elsewhere than in American Samoa, Guam or the Virgin Islands of the United States, and not more than 4 liters of which shall have been produced elsewhere than in such insular possessions, and
 (b) not more than 1,000 cigarettes, not more than 200 of which shall have been acquired elsewhere than in such insular possessions, and not more than 100 cigars,
 if such person arrives directly or indirectly from such insular possessions, not more than \$400 of which shall have been acquired elsewhere than in such insular possessions or up to \$600 of which have been acquired in one or more beneficiary countries (but this subheading does not permit the entry of articles not accompanying a person which were acquired elsewhere than in such insular possessions)..... Free

Free

1/ See chapter 98 statistical note 1.

Articles imported by or for the account of any person arriving in the United States who is a returning resident thereof (including American citizens who are residents of American Samoa, Guam or the Virgin Islands of the United States) (con.):

Other articles acquired abroad as an incident of the journey from which the person is returning if such person arrives from the Virgin Islands of the United States or from a contiguous country which maintains a free zone or free port, or arrives from any other country after having remained beyond the United States for a period of not less than 48 hours, 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 and if such person has not claimed, an exemption under subheadings 9804.00.65, 9804.00.70 and 9804.00.72 within 30 days preceding his arrival, and claims exemption under only one of such items on his arrival (con.):

| | | | | |
|------------|-----------|--|------|------|
| 9804.00.72 | <u>1/</u> | Articles whether or not accompanying a person, not over \$600 in aggregate fair market value in the country of acquisition, including-- (a) but only in the case of an individual who has attained the age of 21, not more than 1 liter of alcoholic beverages or not more than 2 liters if at least one liter is the product of one or more beneficiary countries, and (b) not more than 200 cigarettes, and not more than 100 cigars, if such person arrives directly from a beneficiary country, not more than \$400 of which shall have been acquired elsewhere than in beneficiary countries (but this item does not permit the entry of articles not accompanying a person which were acquired elsewhere than in beneficiary countries)..... | Free | Free |
| 9804.00.75 | <u>1/</u> | Any article imported to replace a like article of comparable value previously exempted from duty under subheading 9804.00.70, if the article previously exempted shall have been exported, under such supervision as the Secretary may prescribe, within 60 days after its importation because it was found by the importer to be unsatisfactory..... | Free | Free |
| 9804.00.80 | <u>1/</u> | Articles (including not over 50 cigars, or 300 cigarettes, or 2 kilograms of smoking tobacco or a proportionate amount of each, and not over 1 liter of alcoholic beverages), reasonable and appropriate, and intended exclusively, for the bona fide personal use of, and (except for articles consumed in use) to be taken out of the United States by, any person arriving in the United States who is leaving a vessel, vehicle or aircraft, engaged in international traffic, on which he is employed, with the intention of resuming such employment..... | Free | Free |
| 9804.00.85 | <u>1/</u> | Personal and household effects, not stock in trade, the title to which at the time of importation is in the estate of a citizen of the United States who died abroad..... | Free | Free |

1/ See chapter 98 statistical note 1.

SUBCHAPTER V
PERSONAL EXEMPTIONS EXTENDED TO
UNITED STATES PERSONNEL AND EVACUEES

9805.00.50 1/ The personal and household effects (with such limitation on the importation of alcoholic beverages and tobacco products as the Secretary of the Treasury may prescribe) of any person in the service of the United States who returns to the United States upon the termination of assignment to extended duty (as defined in regulations issued in connection with this provision) at a post or station outside the customs territory of the United States, or of returning members of his family who have resided with him at such post or station, or of any person evacuated to the United States under Government orders or instructions..... Free Free

1/ See chapter 98 statistical note 1.

SUBCHAPTER VI

PERSONAL EXEMPTIONS EXTENDED TO DISTINGUISHED VISITORS AND TO
PERSONNEL OF FOREIGN GOVERNMENTS OR INTERNATIONAL ORGANIZATIONS

XXII
98-23

U.S. Notes

1. The term "baggage and effects," as used in this subchapter, includes all articles which were in the possession abroad, and are being imported in connection with the arrival, of a person and which are intended for his bona fide personal or household use, but does not include articles imported as an accommodation to others or for sale or other commercial use.
2. The privileges of heading 9806.00.35 are limited to such personal effects and equipment as are necessary for the occasion and temporary visit, and are to be exported no later than 30 days after the conclusion of the public demonstration.
3. The term "articles entered for the personal or family use," as used in this subchapter, does not include articles imported as an accommodation to others or for sale or other commercial use.
4. The privileges provided for in this subchapter for representatives, officers, employees and members of the armed forces, of foreign governments, their families, suites and servants, shall be accorded only if their government grants reciprocal privileges to United States personnel of comparable status.

| Baggage and effects of the following persons who are aliens: | | | |
|---|-----------|---|-----------|
| 9806.00.05 | <u>1/</u> | Upon the request of the Department of State, ambassadors, ministers, charge d'affaires, secretaries, counselors, attaches and other representatives, officers and employees of foreign governments, accredited to the United States or en route to or from other countries to which accredited, and their immediate families, suites and servants..... | Free Free |
| 9806.00.10 | <u>1/</u> | Upon the request of the Department of State, diplomatic couriers of foreign governments.... | Free Free |
| 9806.00.15 | <u>1/</u> | Upon the request of the Department of State, representatives of foreign governments in or to, and officers and employees of, organizations designated by the President of the United States as public international organizations pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288), and their immediate families, suites and servants..... | Free Free |
| 9806.00.20 | <u>1/</u> | Persons on duty in the United States as members of the armed forces of any foreign country and their immediate families..... | Free Free |
| 9806.00.25 | <u>1/</u> | Upon the request of the Department of State, persons designated by the Department of State as high officials of foreign governments or distinguished foreign visitors and their immediate families..... | Free Free |
| 9806.00.30 | <u>1/</u> | Upon the request of the Department of State, persons designated pursuant to statute or pursuant to treaties ratified by the United States Senate..... | Free Free |
| 9806.00.35 | <u>1/</u> | Upon the request of the Department of State, personal effects and equipment of groups or delegations of foreign residents arriving in the United States on goodwill visits of short duration to participate in patriotic celebrations, festivals and other demonstrations of public interest and which will be exported or destroyed at the conclusion of the visit..... | Free Free |
| Articles entered for the personal or family use of the following persons who are aliens on duty in the United States: | | | |
| 9806.00.40 | <u>1/</u> | Upon the request of the Department of State, ambassadors, ministers, charge d'affaires, secretaries, counselors and attaches of foreign embassies and legations..... | Free Free |
| 9806.00.45 | <u>1/</u> | Members of the armed forces of any foreign country..... | Free Free |
| 9806.00.50 | <u>1/</u> | Upon the request of the Department of State, other representatives, officers and employees of foreign governments..... | Free Free |
| 9806.00.55 | <u>1/</u> | Upon the request of the Department of State, persons designated pursuant to statute or pursuant to treaties ratified by the United States Senate..... | Free Free |

1/ See chapter 98 statistical note 1.

SUBCHAPTER VII
OTHER PERSONAL EXEMPTIONS

| | | | | |
|------------|-----------|---|------|------|
| 9807.00.40 | <u>1/</u> | Articles of metal (including medals, trophies and prizes), for bestowal on persons in the United States, as honorary distinctions, by foreign countries or citizens of foreign countries..... | Free | Free |
| 9807.00.50 | <u>1/</u> | Upon the request of the Department of State, articles from citizens of foreign countries for presentation to the President or Vice President of the United States..... | Free | Free |

1/ See chapter 98 statistical note 1.

SUBCHAPTER VIII
IMPORTATIONS OF THE UNITED STATES GOVERNMENT

XXII
98-27

U.S. Note

1. With respect to subheading 9808.00.80, goods brought into the customs territory of the United States by the National Aeronautics and Space Administration from space or from a foreign country as part of an international program of the National Aeronautics and Space Administration shall not be considered an importation, and an entry of such materials shall not be required.

Statistical Note

1. For any article classifiable under subheading 9808.00.30, 9808.00.40, 9808.00.50 or 9808.00.70, the statistical reporting number shall consist of the 10-digit number provided therefor in this subchapter followed by the statistical reporting number for the provision which would have applied to such article if it were not classifiable in the subchapter, and the unit of quantity to be reported is the unit shown for such article in such other provision. For example, the statistical reporting number for 10 new military cargo transports, of an unladen weight not exceeding 2,000 kg, imported as emergency war materials shall be 9808.00.3000-8802.20.0020 and the quantity shall be reported as 10.

| | | | | | |
|------------|-----------------|---|-----------|------|------|
| | | Articles for the use of any agency of the United States Government: | | | |
| 9808.00.10 | 00 | Engravings, etchings, photographic prints, whether bound or unbound, recorded video tapes and exposed photographic films (including motion-picture films) whether or not developed; official government publications in the form of microfilm, microfiches, or similar film media..... | X..... | Free | Free |
| | | Articles for the Department of State: | | | |
| 9808.00.20 | 00 | Sound recordings and recorded video tapes for use by it in the program authorized by the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431-1479)..... | X..... | Free | Free |
| | | Articles for military departments: | | | |
| 9808.00.30 | 00 <u>1/</u> | Materials certified to the Commissioner of Customs by the authorized procuring agencies to be emergency war material purchased abroad..... | <u>1/</u> | Free | Free |
| | | Articles for the General Services Administration: | | | |
| 9808.00.40 | 00 <u>1/</u> | Materials certified by it to the Commissioner of Customs to be strategic and critical materials procured under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h)..... | <u>1/</u> | Free | Free |
| | | Articles for the Nuclear Regulatory Commission or the Department of Energy: | | | |
| 9808.00.50 | 00 <u>1/</u> | Materials certified by it to the Commissioner of Customs to be source materials the entry of which is necessary in the interest of the common defense and security..... | <u>1/</u> | Free | Free |
| | | Articles for the use of the Department of Agriculture or of the United States Botanic Garden: | | | |
| 9808.00.60 | 00 | Plants, seeds and all other material for planting..... | X..... | Free | Free |
| | | Articles for the Commodity Credit Corporation: | | | |
| 9808.00.70 | 00 <u>1/</u> | Materials certified by it to the Commissioner of Customs to be strategic materials acquired by that agency as a result of barter or exchange of agricultural commodities or products..... | <u>1/</u> | Free | Free |
| | | Articles for the National Aeronautics and Space Administration and articles imported to implement international programs between the National Aeronautics and Space Administration and foreign entities, including launch services agreements: | | | |
| 9808.00.80 | 00 | Goods certified by it to the Commissioner of Customs to be imported for the use of the National Aeronautics and Space Administration or for the implementation of an international program of the National Aeronautics and Space Administration, including articles to be launched into space and parts thereof, ground support equipment and uniquely associated equipment for use in connection with an international program of the National Aeronautics and Space Administration, including launch services agreements..... | X..... | Free | Free |

1/ See subchapter VIII statistical note 1.

SUBCHAPTER IX
IMPORTATIONS OF FOREIGN GOVERNMENTS AND INTERNATIONAL
ORGANIZATIONS

XXII
98-29

U.S. Note

1. The term "public international organization," as used in this subchapter, means an organization so designated by the President pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

| | | | | |
|--|-----------|---|------|------|
| 9809.00.10 | <u>1/</u> | Public documents, whether or not in the form of microfilm, microfiches, or similar film media (including exposed and developed motion picture and other films, recorded video tapes and sound recordings) issued essentially at the instance and expense of a foreign government, of a political subdivision of a foreign country or of an international organization the membership of which includes two or more foreign countries..... | Free | Free |
| Articles for foreign governments on a reciprocal basis and for public international organizations: | | | | |
| 9809.00.20 | <u>1/</u> | Upon the request of the Department of State, office supplies and equipment and other articles for the official use of representatives of foreign governments or of personnel of public international organizations, on duty in the United States.... | Free | Free |
| 9809.00.30 | <u>1/</u> | Articles for the official use of members of the armed forces of any foreign country on duty in the United States..... | Free | Free |
| Upon the request of the Department of State, articles (other than communications satellites and parts thereof) which are the property of a foreign government or of a public international organization: | | | | |
| 9809.00.40 | <u>1/</u> | Articles which, while in the United States, will remain the property of such government or of such organization and will be used only in connection with noncommercial functions of such government or of such organization, including exhibitions which are sponsored by or participated in by such government or such organization and which are not commercial in character or connected with commercial undertakings..... | Free | Free |
| 9809.00.50 | <u>1/</u> | Prosthetic appliances furnished by a foreign government to former members of its armed forces who reside in the United States.. | Free | Free |
| 9809.00.60 | <u>1/</u> | Headstones furnished by a foreign government for graves of its war veterans buried in the United States..... | Free | Free |
| 9809.00.70 | <u>1/</u> | Articles for presentation as gifts to the United States Government, to any State or local government or to any public institution organized in the United States.... | Free | Free |
| 9809.00.80 | <u>1/</u> | Printed matter, not containing advertising matter, for free distribution..... | Free | Free |

1/ See chapter 98 statistical note 1.

SUBCHAPTER X

IMPORTATIONS OF RELIGIOUS, EDUCATIONAL, SCIENTIFIC
AND OTHER INSTITUTIONSXXII
98-31U.S. Notes

1. Except as provided in subheading 9810.00.20 and headings 9810.00.70, 9810.00.85, 9810.00.90 and 9810.00.95, or as otherwise provided for in this U.S. note, the articles covered by this subchapter must be exclusively for the use of the institutions involved, and not for distribution, sale or other commercial use within 5 years after being entered. Articles admitted under any provision in this subchapter may be transferred from an institution specified with respect to such articles to another such institution, or may be exported or destroyed under customs supervision, without duty liability being incurred. However, if any such article (other than an article provided for in subheading 9810.00.20 or heading 9810.00.70) is transferred other than as provided by the preceding sentence, or is used for commercial purposes, within 5 years after being entered, the institution for which such article was entered shall promptly notify customs officers at the port of entry and shall be liable for the payment of duty on such article in an amount determined on the basis of its condition as imported and the rate applicable to it (determined without regard to this subchapter) when entered. If, with a view to a transfer (other than a transfer permitted by the second sentence) or the use for commercial purposes of an instrument or apparatus, a repair component admitted under subheading 9810.00.65 has been assembled into such instrument or apparatus, such component shall, for purposes of the preceding sentence, be treated as a separate article.
2. The term "regalia," as used in this subchapter, (subheadings 9810.00.15 and 9810.00.45) embraces only such insignia of rank or office, emblems or other articles as may be worn upon the person or borne in the hand during public exercises of the institution, and does not include articles of furniture or fixtures, nor regular wearing apparel, nor personal property of individuals.
3. Architectural, engineering, industrial or commercial drawings and plans, and reproductions thereof, are not covered by this subchapter unless they are intended solely for exhibition or for educational use under subheading 9810.00.30 (see chapter 49).
4. Painted, colored or stained glass windows, and parts thereof, not covered by subheading 9810.00.10 are provided for in chapter 70.
5. Subchapter XII of this chapter contains provisions under which certain institutions may import articles free of duty for permanent exhibition under bond.
6. (a) The term "instruments and apparatus" (subheading 9810.00.60) embraces only instruments and apparatus which are both provided for and dutiable in:
 - (i) Chapter 39: heading 3914;
 - (ii) Chapter 69: subheadings 6909.11 through 6909.90, and subheadings 6914.10 and 6914.90;
 - (iii) Chapter 70: subheadings 7017.10 through 7017.90, and heading 7020.00;
 - (iv) Chapter 71: subheadings 7114.11.70, 7114.19, 7114.20, 7115.10 and 7115.90;
 - (v) Chapter 73: subheadings 7325.10, 7325.91, 7325.99.10, 7325.99.50, 7326.19, 7326.20 and 7326.90;
 - (vi) Chapter 74: subheadings 7419.91, 7419.99.30 and 7419.99.50;
 - (vii) Chapter 75: subheadings 7508.10 and 7508.90.50 (except electroplating anodes);
 - (viii) Chapter 76: subheadings 7616.91 and 7616.99.50;
 - (ix) Chapter 78: heading 7806.00;
 - (x) Chapter 79: subheading 7907.00.60 (except zinc anodes);
 - (xi) Chapter 80: subheading 8007.00.50;
 - (xii) Chapter 81: articles other than wrought metals, in subheadings 8101.99, 8102.99, 8103.90, 8104.90, 8105.90, 8107.90, 8112.19, 8112.99 and 8113.00;
 - (xiii) Chapter 84: subheadings 8402.11 and 8402.90, subheadings 8404.10 through 8424.90.80, subheadings 8435.10, 8435.90 and 8438.80, subheadings 8454.10 through 8468.90 (except 8468.10), subheadings 8470.10 through 8470.30, subheading 8471.10, subheadings 8479.10 through 8479.90 (except 8479.20 and 8479.40) and subheadings 8483.10.10 through 8483.10.50;
 - (xiv) Chapter 85: subheadings 8501.10 through 8505.11, subheading 8505.20, subheadings 8505.90 through 8516.32, subheadings 8516.40 through 8522.90, subheadings 8525.10 through 8532.30, subheadings 8533.10 through 8542.90, subheadings 8543.20 through 8544.70 and subheadings 8547.90 and 8548.90;
 - (xv) Chapter 88: subheadings 8801.90 and 8802.60.90 and parts of the goods of subheadings 8801.90 and 8802.60.90 as provided for in heading 8803;
 - (xvi) Chapter 89: subheadings 8907.10 and 8907.90;
 - (xvii) Chapter 90: all provisions (except subheadings 9009.11 through 9009.90, 9013.80 and 9023.00);

(xviii) Chapter 91: all provisions (except subheadings 9113.10 through 9113.90); and

(xix) Chapter 96: subheadings 9603.50, 9613.80.20, 9613.90.40 and 9617.00 (except subheading 9617.00.60);

but the term does not include materials or supplies, nor does it include ordinary equipment for use in building construction or maintenance or for use in supporting activities of the institution such as its administrative offices or its eating or religious facilities.

- (b) An institution desiring to enter an article under subheading 9810.00.60 shall make application therefor to the Secretary of the Treasury including therein (in addition to such other information as may be prescribed by regulation) a description of the article, the purposes for which the instrument or apparatus is intended to be used, the basis for the institution's belief that no instrument or apparatus of equivalent scientific value for such purposes is being manufactured in the United States, and a statement that either the institution has already placed a bona fide order for the instrument or apparatus or has a firm intention, in the event of favorable action on its application, to place such an order on or before the final day specified in paragraph (d) of this U.S. note for the placing of an order. If the application is made in accordance with the applicable regulations, the Secretary of the Treasury shall promptly forward copies thereof to the Secretary of Commerce and to the Secretary of Health and Human Services. If, at any time while its application is under consideration by the Secretary of Commerce or by the Court of Appeals for the Federal Circuit on appeal from a finding by him, an institution cancels an order for the instrument or apparatus to which its application relates or ceases to have a firm intention to order such instrument or apparatus, it shall promptly so notify the Secretary of Commerce or such Court, as the case may be.
- (c) Upon receipt of the application, the Secretary of Commerce shall, by publication in the Federal Register, afford interested persons and other Government agencies reasonable opportunity to present their views with respect to the question whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. After considering any views presented pursuant to this paragraph, including any written advice from the Secretary of Health and Human Services, the Secretary of Commerce shall determine whether an instrument or apparatus of equivalent scientific value to such article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States. Each finding by the Secretary of Commerce under this paragraph shall be promptly reported to the Secretary of the Treasury and to the applicant institution. Each such finding shall be published in the Federal Register, with a statement of the reasons therefor, on or before the ninetieth day following the date on which the application was made to the Secretary of the Treasury in accordance with applicable regulations.
- (d) Subheading 9810.00.60 shall not apply with respect to any instrument or apparatus unless a bona fide order therefor has been placed, by the institution making the application under this U.S. note, on or before the sixtieth day following the day on which a finding of the Secretary of Commerce favorable to the institution has become final and conclusive.
- (e) Within 20 days after the publication in the Federal Register of a finding by the Secretary of Commerce under paragraph (c) of this U.S. note, an appeal may be taken from said finding only upon a question or questions of law and only to the United States Court of Appeals for the Federal Circuit:
- (i) by the institution which made the application under paragraph (b) of this U.S. note;
 - (ii) by a person who, in the proceeding which led to such finding, represented to the Secretary of Commerce in writing that he manufactures in the United States an instrument or apparatus of equivalent scientific value for the purposes for which the article to which the application relates is intended to be used,
 - (iii) by the importer thereof, if the article to which the application relates has been entered at the time the appeal is taken, or
 - (iv) by an agent of any of the foregoing.
- Any appeal under this paragraph shall receive a preference over all other matters before the Court and shall be heard and determined as expeditiously as the Court considers to be practicable. The judgement of the Court shall be final.
- (f) The Secretary of the Treasury and the Secretary of Commerce may prescribe joint regulations to carry out their functions under this note.

| | | | | |
|------------|----|--|----------------------|------|
| | | Articles imported for the use of an institution established solely for religious purposes: | | |
| 9810.00.05 | 00 | Drawings, engravings, etchings, lithographs, woodcuts, sound recordings, recorded video tapes and photographic and other prints, all the foregoing whether bound or unbound, and exposed photographic films (including motion-picture films) whether or not developed..... | X..... | Free |
| 9810.00.10 | 00 | Painted, colored or stained glass windows and parts thereof, all the foregoing valued over \$161 per square meter and designed by, and produced by or under the direction of, a professional artist..... | m ² | Free |
| 9810.00.15 | 00 | Regalia..... | X..... | Free |
| 9810.00.20 | 00 | Hand-woven fabrics, to be used by the institution in making religious vestments for its own use or for sale..... | X..... | Free |
| | | Articles imported for the use of an institution organized and operated for religious purposes, including cemeteries, schools, hospitals, orphanages and similar nonprofit activities staffed and controlled by such institution: | | |
| 9810.00.25 | 00 | Altars, pulpits, communion tables, baptismal fonts, shrines, mosaics, iconostases, or parts, appurtenances or adjuncts of any of the foregoing, whether to be physically joined thereto or not, and statuary (except granite or marble cemetery headstones, granite or marble grave markers and granite or marble feature memorials, and except casts of plaster of Paris, or of compositions of paper or papier-mâché)..... | X..... | Free |
| | | Articles imported for the use of any public library, any other public institution or any nonprofit institution established for educational, scientific, literary or philosophical purposes, or for the encouragement of the fine arts: | | |
| 9810.00.30 | 00 | Drawings and plans, reproductions thereof, engravings, etchings, lithographs, woodcuts, globes, sound recordings, recorded video tapes and photographic and other prints, all the foregoing whether bound or unbound, and exposed photographic films (including motion-picture films) whether or not developed..... | X..... | Free |
| 9810.00.35 | 00 | Letters, numbers, and other symbols; number cards and other arithmetical materials; printed matter; blocks and other dimensional shapes; geometrical figures, plane or solid; geographical globes; tuned bells and basic materials for understanding music; model articles and figures of animate objects; puzzles and games; flags; dressing frames; dummy clocks; bottles, boxes, and other containers or holders; all the foregoing, whether or not in sets, fabricated to specification and designed for the classroom instruction of children; and containers or holders fabricated to specification and designed for the storage of such instructional articles when not in use..... | X..... | Free |
| 9810.00.40 | 00 | Sculptures and statuary..... | X..... | Free |
| 9810.00.45 | 00 | Regalia..... | X..... | Free |
| 9810.00.50 | 00 | Any textile machine or machinery or part thereof, solely for the instruction of students..... | X..... | Free |

The rate applicable in the absence of this subheading

| | | | |
|---|----|--|--|
| Articles imported for the use of any public library, any other public institution or any nonprofit institution established for educational, scientific, literary or philosophical purposes, or for the encouragement of the fine arts (con.): | | | |
| 9810.00.55 | 00 | Patterns and models exclusively for exhibition or educational use at any such institution..... | X..... Free Free |
| Articles entered for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes: | | | |
| 9810.00.60 | 00 | Instruments and apparatus, if no instrument or apparatus of equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used is being manufactured in the United States (see U.S. note 6 to this subchapter)..... | X..... Free Free |
| 9810.00.65 | 00 | Repair components for instruments or apparatus admitted under subheading 9810.0060..... | X..... Free Free |
| 9810.00.67 | 00 | Tools specially designed to be used for the maintenance, checking, gauging or repair of instruments or apparatus admitted under subheading 9810.00.60..... | X..... Free Free |
| 9810.00.70 | 00 | Wild animals (including birds and fish) imported for use, or for sale for use, in any scientific public collection for exhibition for scientific or educational purposes..... | X..... Free Free |
| Articles imported for the use of an institution established to encourage the saving of human life: | | | |
| 9810.00.75 | 00 | Lifeboats and life-saving apparatus..... | X..... Free Free |
| Articles imported for the use of any nonprofit institution, whether public or private, established for educational, scientific or therapeutic purposes: | | | |
| 9810.00.80 | 00 | Apparatus utilizing any radioactive substance in medical diagnosis or therapeutic treatment, including the radioactive material itself when contained in the apparatus as an integral element thereof, and parts or accessories of any of the foregoing..... | X..... Free Free |
| 9810.00.85 | 00 | Cellulosic plastics materials imported for use in artificial kidney machines or apparatus by a hospital or by a patient pursuant to prescription of a physician..... | X..... Free The rate applicable in the absence of this heading |
| 9810.00.90 | 00 | Prayer shawls, bags for the keeping of prayer shawls and headwear of a kind used for public or private religious observances, whether or not any of the foregoing is imported for the use of a religious institution..... | X..... Free Free |
| 9810.00.95 | 00 | Scrolls or tablets of wood or paper, commonly known as Gohonzon, imported for use in public or private religious observances, whether or not any of the foregoing is imported for the use of a religious institution..... | X..... Free Free |

SUBCHAPTER XI
SAMPLES FOR SOLICITING ORDERS

U.S. Notes

1. Any article exempted under this subchapter from the payment of duty shall be exempt also from the payment of any internal-revenue tax imposed upon or by reason of importation and from the labeling requirements of the Federal Alcohol Administration Act and chapter 52 of the Internal Revenue Code of 1954.
2. The provisions of heading 9811.00.20 or 9811.00.40 apply to not more than one sample of each beverage product, or of each tobacco product, cigarette paper or cigarette tube, respectively, admitted during any calendar quarter for the use of each person importing alcoholic beverages, tobacco products, cigarette papers or cigarette tubes in commercial quantities.

| | | | | |
|------------|-----------|--|------|------|
| 9811.00.20 | <u>1/</u> | Alcoholic beverage samples (each sample containing not more than 300 milliliters if a malt beverage, not more than 150 milliliters if a wine and not more than 100 milliliters if any other alcoholic beverage) to be used in the United States only for soliciting orders by persons importing alcoholic beverages in commercial quantities..... | Free | Free |
| 9811.00.40 | <u>1/</u> | Samples of tobacco products, and cigarette papers and tubes (each sample consisting of not more than (a) 3 cigars, (b) 3 cigarettes, (c) 3.5 grams of tobacco, (d) 3.5 grams of snuff, (e) 3 cigarette tubes or (f) 25 cigarette papers) to be used in the United States only for soliciting orders by persons importing tobacco products, cigarette papers or cigarette tubes in commercial quantities..... | Free | Free |
| 9811.00.60 | <u>1/</u> | Any sample (except samples covered by heading 9811.00.20 or 9811.00.40), valued not over \$1 each, or marked, torn, perforated or otherwise treated so that it is unsuitable for sale or for use otherwise than as a sample, to be used in the United States only for soliciting orders for products of foreign countries..... | Free | Free |

1/ See chapter 98 statistical note 1.

SUBCHAPTER XII
ARTICLES ADMITTED FREE OF DUTY UNDER BOND FOR
PERMANENT EXHIBITION

XXII
98-37

U.S. Notes

1. The provisions of this subchapter do not apply to articles intended for sale or for any purpose other than exhibition or erecting a public monument, nor do they apply to any institution or society engaged in or connected with business of a private or commercial character. Articles admitted under heading 9812.00.20 may be transferred from an organization specified therein to another such organization, or temporarily to a commercial gallery or other premises, for exhibition and not for sale.
2. Prior to the release of articles under heading 9812.00.20 or 9812.00.40, bond shall be given for the payment of lawful duties which may accrue should any of the articles be sold, transferred or used contrary to the provisions of this subchapter within 5 years after the date of entry hereunder, and such articles shall be subject at any time within such 5-year period to examination and inspection by customs officers. Surety on such bonds may be waived in the discretion of the Secretary of the Treasury.

| | | | | | |
|------------|----|---|---|-----------------|---|
| 9812.00.20 | 00 | Articles imported for exhibition by any institution or society established for the encouragement of agriculture, arts, education or science, or for such exhibition by any State or for a municipal corporation..... X..... | Free, under bond, as prescribed in U.S. note 2 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 2 to this subchapter |
| 9812.00.40 | 00 | Articles imported by any institution, society or State, or for a municipal corporation, for the purpose of erecting a public monument..... X..... | Free, under bond, as prescribed in U.S. note 2 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 2 to this subchapter |

SUBCHAPTER XIII

ARTICLES ADMITTED TEMPORARILY FREE OF DUTY UNDER BOND

XXII
98-39U.S. Notes

1. (a) The articles described in the provisions of this subchapter, when not imported for sale or for sale on approval, may be admitted into the United States without the payment of duty, under bond for their exportation within 1 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 1 year, shall not exceed a total of 3 years, except that (1) articles imported under heading 9813.00.75 shall be admitted under bond for their exportation within 6 months from the date of importation and such a 6-month period shall not be extended, and (2) in the case of professional equipment and tools of trade admitted into the United States under heading 9813.00.50 which have been seized (other than by seizure made at the suit of private persons), the requirement of reexportation shall be suspended for the duration of the seizure. For purposes of this note, an aircraft engine or propeller, or any part or accessory of either, imported under heading 9813.00.05, which is removed physically from the United States as part of an aircraft departing from the United States in international traffic shall be treated as exported.
 - (b) For articles admitted into the United States under heading 9813.00.50, entry shall be made by the nonresident importing the articles or by an organization represented by the nonresident which is established under the laws of a foreign country or has its principal place of business in a foreign country.
 - (c) For purposes of this subchapter, if an article imported into the United States, for processing, under heading 9813.00.05 is withdrawn for exportation to the territory of Canada or of Mexico, the duty assessed shall be waived or reduced in an amount that does not exceed the lesser of the total amount of duty payable on the article that would have been payable on importation under chapters 1 through 97, inclusive, of the Harmonized Tariff Schedule of the United States or the total amount of customs duties paid to Canada or to Mexico on the exported article, unless such article is covered by section 203(a)(1) through 203(a)(8), inclusive, of the NAFTA Implementation Act. The amount of duties or refunds calculated on such articles pursuant to this note shall be adjusted to take into account any subsequent claim for preferential tariff treatment made to another NAFTA country. This note shall apply to shipments to Canada on or after January 1, 1996, and to Mexico on or after January 1, 2001.
2. Merchandise may be admitted into the United States under heading 9813.00.05 only on condition that:
 - (a) Such merchandise will not be processed into an article manufactured or produced in the United States if such article is:
 - (i) Alcohol, distilled spirits, wine, beer or any dilution or mixture of any or all of the foregoing;
 - (ii) A perfume or other commodity containing ethyl alcohol (whether or not such alcohol is denatured); or
 - (iii) A product of wheat; and
 - (b) If any processing of such merchandise results in an article (other than an article described in (a) of this U.S. note) manufactured or produced in the United States:
 - (i) A complete accounting will be made to the Customs Service for all articles, wastes and irrecoverable losses resulting from such processing; and
 - (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.
 3. Upon satisfactory proof that any article admitted under heading 9813.00.30 has been destroyed because of its use for any purpose provided for therein, the obligation under the bond to export such article shall be treated as satisfied.
 4. District Directors of Customs may defer the exaction of a bond for not to exceed 90 days after the date of importation for vehicles and craft entered under heading 9813.00.35 to take part in races or other specific contests for other than money purses; but unless any such vehicle or craft is exported or the bond is given within the period of such deferment, such vehicle or craft shall be subject to forfeiture.
 5. Articles may be admitted under heading 9813.00.75 only on condition that the Secretary of the Treasury shall have found that the foreign country from which the articles were imported allows, or will allow, substantially reciprocal privileges in respect of similar imports to such country from the United States; and if the Secretary finds that a foreign country has discontinued, or will discontinue, the allowance of such privileges, the privileges of heading 9813.00.75 shall not apply thereafter in respect of imports from such foreign country.

Statistical Note

1. For any article entered under statistical reporting number 9813.00.0520, the proper citation for statistical reporting shall consist of 9813.00.0520 followed by the statistical reporting number for the provision which would have applied if such article were not classifiable in this subchapter and the unit of quantity to be reported is the unit shown for such article in such other provision.

| | | | | |
|-----------------|--|---|-----------------|---|
| 9813.00.05 | Articles to be repaired, altered or processed (including processes which result in articles manufactured or produced in the United States)..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |
| 20 <u>1/</u> | Articles to be processed into articles manufactured or produced in the United States..... <u>1/</u> | | | |
| 40 | Other..... X | | | |
| 9813.00.10 | <u>2/</u> Models of women's wearing apparel imported by manufacturers for use solely as models in their own establishments..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |
| 9813.00.15 | <u>2/</u> Articles imported by illustrators and photographers for use solely as models in their own establishments, in the illustrating of catalogues, pamphlets or advertising matters..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |
| 9813.00.20 | <u>2/</u> Samples solely for use in taking orders for merchandise..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |
| 9813.00.25 | <u>2/</u> Articles solely for examination with a view to reproduction, or for such examination and reproduction (except photoengraved printing plates for examination and reproduction); and motion-picture advertising films..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |
| 9813.00.30 | <u>2/</u> Articles intended solely for testing, experimental or review purposes, including specifications, photographs and similar articles for use in connection with experiments or for study..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |

1/ See subchapter XIII statistical note 1.
2/ See chapter 98 statistical note 1.

| | | | | |
|------------|---|---|-----------------|---|
| 9813.00.35 | <u>1/</u> 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..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |
| 9813.00.40 | <u>1/</u> Locomotives and other railroad equipment brought temporarily into the United States for use in clearing obstructions, fighting fires or making emergency repairs on railroads within the United States, or for use in transportation otherwise than in international traffic when the Secretary of the Treasury finds that the temporary use of foreign railroad equipment is necessary to meet an emergency..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |
| 9813.00.45 | <u>1/</u> 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..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |
| 9813.00.50 | <u>1/</u> Professional equipment, tools of trade, repair components for equipment or tools admitted under this heading and camping equipment; all the foregoing imported by or for nonresidents sojourning temporarily in the United States and for the use of such nonresidents..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |
| 9813.00.55 | <u>1/</u> Articles of special design for temporary use exclusively in connection with the manufacture or production of articles for export..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |

1/ See chapter 98 statistical note 1.

| | | | | | |
|------------|-----------|--|---|-----------------|---|
| 9813.00.60 | <u>1/</u> | Animals and poultry brought into the United States for the purpose of breeding, exhibition or competition for prizes, and the usual equipment therefor..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |
| 9813.00.70 | <u>1/</u> | Works of the free fine arts, 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..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |
| 9813.00.75 | <u>1/</u> | Automobiles, automobile chassis, automobile bodies, cutaway portions of any of the foregoing and parts for any of the foregoing, finished, unfinished or cutaway, when intended solely for show purposes..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |

1/ See chapter 98 statistical note 1.

SUBCHAPTER XIV
TEA ADMITTED FREE UNDER BOND

U.S. Notes

1. Importers and manufacturers who import the material provided for in heading 9814.00.50 shall give suitable bond, to be subject to the approval only of the District Director of Customs at the port of entry, conditioned that the imported material shall be only used for the purposes provided for in the said heading 9814.00.50, under such regulations as may be prescribed by the Secretary of Health and Human Services.
2. See chapter 9 for other provisions relating to tea.

| | | | | | |
|------------|----|---|---|-----------------|---|
| 9814.00.50 | 00 | Tea, tea waste and tea siftings and sweepings, all the foregoing to be used solely for manufacturing theine, caffeine or other chemical products whereby the identity and character of the original material is entirely destroyed or changed..... X..... | Free, under bond, as prescribed in U.S. note 1 to this subchapter | Free (CA,IL,MX) | Free, under bond, as prescribed in U.S. note 1 to this subchapter |
|------------|----|---|---|-----------------|---|

SUBCHAPTER XV
PRODUCTS OF AMERICAN FISHERIES

U.S. Notes

1. An American fishery, for the purposes of this subchapter, is a fishing enterprise conducted under the American flag by vessels of the United States on the high seas or in foreign waters in which such vessels have the right, by treaty or otherwise, to take fish or other marine products and may include a shore station operated in conjunction with such vessels by the owner or master thereof.
2. None of the headings in this subchapter shall apply to fish, fresh, chilled or frozen, in the form of fillets, steaks or slices substantially free of bone (including any of the foregoing divided into sections), if produced in a foreign country, or its territorial waters, in whole or in part with the use of the labor of persons who are not residents of the United States.

| | | | | |
|------------|----|---|------|------|
| 9815.00.20 | 00 | Products of American fisheries (including fish, shellfish and other marine animals, spermaceti and marine animal oils), which have not been landed in a foreign country, or which, if so landed, have been landed solely for transshipment without change in condition..... kg..... | Free | Free |
| 9815.00.40 | 00 | Fish (except cod, cusk, haddock, hake, mackerel, pollock and swordfish), the product of American fisheries, landed in a foreign country and there processed by removal of heads, viscera or fins, or by chilling or freezing, or by any combination of these processes, but not otherwise processed.... kg..... | Free | Free |
| 9815.00.60 | 00 | Products of American fisheries, prepared or preserved by an American fishery on the treaty coasts of Labrador, Magdalen Islands and Newfoundland, as such coasts are defined in the convention of 1818 between the United States and Great Britain..... kg..... | Free | Free |

SUBCHAPTER XVI
NONCOMMERCIAL IMPORTATIONS OF LIMITED VALUE

U.S. Note

1. For the purposes of this subchapter the rates of duty for articles provided in this subchapter shall be assessed in lieu of any other rates of duty, except free rates of duty on such articles, unless the Secretary of the Treasury or his delegate determines, in accordance with regulations, that the application of the rate of duty provided in this subchapter to any article in lieu of the rate of duty otherwise applicable thereto adversely affects the economic interest of the United States.

Articles for personal or household use, or as bona fide gifts, not imported for the account of another person, valued in the aggregate at not over \$1,000 fair retail value in the country of acquisition, if the person claiming the benefit of subheading 9816.00.20 or 9816.00.40, or both, has not received the benefits thereof within the 30 days immediately preceding his arrival:

| | | | | | |
|------------|-----------|--|--|--|------------|
| 9816.00.20 | <u>1/</u> | Accompanying a person, arriving in the United States (exclusive of duty-free articles and articles acquired in American Samoa, Guam or the Virgin Islands of the United States)..... | 10 percent of the fair retail value | Free (CA,IL) 5 percent of the fair retail value (MX) | 10 percent |
| | | of the | | | |
| | | fair | | | |
| | | retail | | | |
| | | value | | | |
| 9816.00.40 | <u>1/</u> | Imported by or for the account of a person (whether or not accompanying him) arriving directly or indirectly from American Samoa, Guam or the Virgin Islands of the United States, acquired in such insular possessions as an incident of such person's physical presence..... | 5 percent of the fair retail value | Free (CA,IL) 2.5 percent of the fair retail value (MX) | 5 percent |
| | | of the | | | |
| | | fair | | | |
| | | retail | | | |
| | | value | | | |

1/ See chapter 98 statistical note 1.

SUBCHAPTER XVII
OTHER SPECIAL CLASSIFICATION PROVISIONS

XXII
98-49

U.S. Notes

1. (a) No article shall be exempted from duty under heading 9817.00.40 unless either --
 - (i) a Federal agency (or agencies) designated by the President determines that such article is visual or auditory material of an educational, scientific or cultural character within the meaning of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character (17 UST (pt. 2) 1578; Beirut Agreement), or
 - (ii) such article --
 - (A) is imported by, or certified by the importer to be for the use of, any public or private institution or association approved as educational, scientific, or cultural by a Federal agency or agencies designated by the President for the purpose of duty-free admission pursuant to the Nairobi Protocol to the Florence Agreement, and
 - (B) is certified by the importer to be visual or auditory material of an educational, scientific, or cultural character or to have been produced by the United Nations or any of its specialized agencies. For the purposes of subparagraph (i), whenever the President determines that there is, or may be, profitmaking exhibition or use of articles described in heading 9817.00.40 which interferes significantly (or threatens to interfere significantly) with domestic production of similar articles, he may prescribe regulations imposing restrictions on the entry under one of the above-cited subheadings of such foreign articles to insure that they will be exhibited or used only for nonprofitmaking purposes.
 - (b) For purposes of headings 9817.00.42 through 9817.00.48, inclusive, no article shall be exempted from duty unless it meets the criteria set forth in the subparagraphs (a)(ii)(A) and (B) of this note.
2. The provisions of headings 9817.00.50 and 9817.00.60 do not apply to:
 - (a) articles provided for in chapter 25;
 - (b) articles provided for in subheading 3212.10;
 - (c) articles provided for in subheading 3926.90.30;
 - (d) articles of leather or of fur on the skin;
 - (e) articles of textile material;
 - (f) articles provided for in section XIII (except heading 6808 and subheadings 6809.11, 7018.10, 7018.90, 7019.40, 7019.51, 7019.52 and 7019.59);
 - (g) articles provided for in chapter 71;
 - (h) articles provided for in chapter 72;
 - (ij) articles provided for in chapter 73 (except subheadings 7308.10, 7308.20, 7308.40 and 7308.90, subheadings 7315.81 through 7315.89, subheadings 7319.20, 7319.30, 7325.10, 7325.91, 7326.11 and 7326.19);
 - (k) articles provided for in chapter 74 (except subheadings 7419.10 and 7419.91);
 - (l) articles provided for in chapter 75;
 - (m) articles provided for in chapter 76 (except heading 7610);
 - (n) articles provided for in chapter 78;
 - (o) articles provided for in chapter 79 (except gutters, roof capping, skylight frames and other fabricated building components, of zinc);
 - (p) articles provided for in chapter 80;
 - (q) articles provided for in chapter 81 (except subheadings 8101.99 and 8102.99);
 - (r) articles provided for in chapter 82;
 - (s) articles provided for in chapter 83;
 - (t) articles provided for in subheadings 8419.81.10, 8419.81.50, 8419.81.90, 8427.10, 8427.20, 8427.90 and 8431.20, headings 8432, 8433 and 8434, subheadings 8435.10 and 8435.90, heading 8436, subheadings 8438.80, 8468.10, 8472.90.40 and 8479.89, subheadings 8482.10.10 through 8482.99.65 (other than subheading 8482.91) and subheadings 8483.10.50 and 8485.10;
 - (u) articles provided for in chapter 85 (except subheadings 8519.92 through 8519.99, headings 8523 and 8524, subheadings 8532.90 and 8539.90, subheadings 8543.11 through 8543.81, subheadings 8543.89.60, 8543.89.80, 8543.89.85, 8543.89.92, 8543.89.96, 8543.90, 8544.70, 8546.90, 8547.20 and 8548.90);

- (v) articles provided for in chapter 86;
 - (w) articles provided for in chapter 87 (except bicycles and other cycles, not motorized, and parts thereof), but interchangeable agricultural and horticultural implements are classifiable in subheading 9817.00.50 even if mounted at the time of importation on a tractor provided for in chapter 87;
 - (x) articles provided for in chapter 88 (except heading 8805);
 - (y) articles provided for in chapter 89 (except headings 8901, 8902 and 8904, subheadings 8905.10 and 8905.20, and headings 8907 and 8908);
 - (z) articles provided for in subheadings 9006.62, 9032.89.20, 9032.89.40, 9032.90.20 and 9032.90.40;
 - (aa) articles provided for in subheadings 9101.12, 9102.12, 9102.91.20, 9103.10.20, 9104.00.05 and 9104.00.45;
 - (ab) articles provided for in heading 9405 (except subheadings 9405.60.60 and 9405.92);
 - (ac) articles provided for in subheadings 9505.10.10, 9506.21.40 and 9506.21.80;
 - (ad) articles provided for in subheading 9603.50.00, headings 9604.00.00 and 9605.00.00 and subheading 9616.10.00; or
 - (ae) articles provided for in heading 9705.
3. (a) Subheading 9817.00.80 does not apply when the market price of copper is under \$1.12 per kilogram.
- (b) For purposes of subparagraph (a), the market price of copper is the average market price per kilogram for one calendar month of electrolytic copper in standard shapes and sizes, delivered Connecticut Valley, as determined by the United States International Trade Commission and reported to the Secretary of the Treasury in accordance with procedures set forth below.
- (c) For purposes of subparagraph (a), the market price of copper shall be considered to be under \$1.12 per kilogram only on and after the twentieth day after the date of a report by the United States International Trade Commission to the Secretary of the Treasury that it has determined that the market price has been under \$1.12 per kilogram for one calendar month. After any such report, the market price shall be considered as not being under \$1.12 per kilogram only on and after the twentieth day after the date of a report by the Commission to the Secretary that it has determined that the market price has been \$1.12 or more per kilogram for one calendar month.
- (d) Determinations by the said Commission of the market price of electrolytic copper shall be based upon sources commonly resorted to by the buyers of copper in the usual channels of commerce, including, but not limited to, quotations of the market price for electrolytic copper, in standard shapes and sizes, delivered Connecticut Valley, reported by the Engineering and Mining Journal's "Metal and Mineral Markets".
4. (a) For purposes of subheadings 9817.00.92, 9817.00.94 and 9817.00.96, the term "blind or other physically or mentally handicapped persons" includes any person suffering from a permanent or chronic physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.
- (b) Subheadings 9817.00.92, 9817.00.94 and 9817.00.96 do not cover --
- (i) articles for acute or transient disability;
 - (ii) spectacles, dentures, and cosmetic articles for individuals not substantially disabled;
 - (iii) therapeutic and diagnostic articles; or
 - (iv) medicine or drugs.
5. For purposes of subheading 9817.57.01, the term "mass-produced kits" includes only those which are designed to be sold in the customs territory of the United States exclusively in kit form.

Statistical Note

1. For statistical reporting of merchandise under subheadings 9817.00.80, 9817.00.90, 9817.00.92, 9817.00.94, 9817.00.96, 9817.29.01, 9817.29.02, 9817.57.01, 9817.61.01, 9817.82.01, and 9817.84.01:
- (a) Report the 8-digit number (or 10-digit number, if any) found in this subchapter in addition to the 10-digit number appearing in chapters 1-97 which would be applicable but for the provisions of this subchapter; and
 - (b) The quantities reported should be in the units provided in chapters 1-97.

| | | | | |
|---|----|--|------|---|
| 9817.00.20 | 00 | Nets or sections or parts of nets: Monofilament gill nets to be used for fish sampling..... X..... | Free | Free |
| 9817.00.30 | 00 | To be used in taking wild birds under license issued by an appropriate Federal or State governmental authority..... X..... | Free | Free |
| 9817.00.40 | 00 | Developed photographic film, including motion- picture film on which pictures or sound and pictures have been recorded; photographic slides; transparencies; sound recordings; recorded video tape; models (except toy models); charts; maps; globes; and posters; all of the foregoing which are determined to be visual or auditory materials in accordance with U.S. note 1(a) of this subchapter..... X..... | Free | Free |
| Articles determined to be visual or auditory materials in accordance with U.S. note 1 of this subchapter: | | | | |
| 9817.00.42 | 00 | Holograms for laser projection; microfilm, microfiches and similar articles..... X..... | Free | Free |
| 9817.00.44 | 00 | Motion-picture films in any form on which pictures, or sound and pictures, have been recorded, whether or not developed..... X..... | Free | Free |
| 9817.00.46 | 00 | Sound recordings, combination sound and visual recordings, and magnetic recordings; video discs, video tapes and similar articles..... X..... | Free | Free |
| 9817.00.48 | 00 | Patterns and wall charts; globes; mock-ups or visualizations of abstract concepts such as molecular structures or mathematical formulae; materials for programmed instruction; and kits containing printed materials and audio materials or any combination of two or more of the foregoing... X..... | Free | Free |
| 9817.00.50 | 00 | Machinery, equipment and implements to be used for agricultural or horticultural purposes..... X..... | Free | The rate applicable in the absence of this heading |
| 9817.00.60 | 00 | Parts to be used in articles provided for in headings 8432, 8433, 8434 and 8436, whether or not such parts are principally used as parts of such articles and whether or not covered by a specific provision within the meaning of additional U.S. rule of interpretation 1(c)..... X..... | Free | The rate applicable in the absence of this heading |
| 9817.00.70 | 00 | Animals, game, imported to be liberated in the United States for stocking purposes..... No..... | Free | Free |

Unwrought metal including remelt scrap ingot (except copper, lead, zinc and tungsten) in the form of pigs, ingots or billets (a) which are defective or damaged, or have been produced from melted down metal waste and scrap for convenience in handling and transportation without sweetening, alloying, fluxing or deliberate purifying, and (b) which cannot be commercially used without re-manufacture; relaying or rerolling rails; and articles of metal (except articles of lead, of zinc or of tungsten, and not including metal-bearing materials provided for in section VI, chapter 26 or subheading 8548.10 and not including unwrought metal provided for in chapters 72-81) to be used in remanufacture by melting or to be processed by shredding, shearing, compacting or similar processing which renders them fit only for the recovery of the metal content:

| | | | | | |
|------------|-----------|--|-----------|------|---|
| 9817.00.80 | <u>1/</u> | Articles of copper..... | <u>1/</u> | Free | The rate applicable in the absence of this subheading |
| 9817.00.90 | | Other..... | | Free | Free |
| | 40 | Pigs, ingots or billets..... | <u>1/</u> | | |
| | <u>1/</u> | | | | |
| | 60 | Relaying or rerolling rails..... | <u>1/</u> | | |
| | <u>1/</u> | | | | |
| | 80 | Other..... | <u>1/</u> | | |
| | <u>1/</u> | | | | |
| | | Articles specially designed or adapted for the use or benefit of the blind or other physically or mentally handicapped persons; parts and accessories (except parts and accessories of braces and artificial limb prosthetics) that are specially designed or adapted for use in the foregoing articles: | | | |
| | | Articles for the blind: | | | |
| 9817.00.92 | <u>1/</u> | Books, music and pamphlets, in raised print, used exclusively by or for them... | <u>1/</u> | Free | Free |
| 9817.00.94 | <u>1/</u> | Braille tablets, cubarithms, and special apparatus, machines, presses, and types for their use or benefit exclusively..... | <u>1/</u> | Free | Free |
| 9817.00.96 | <u>1/</u> | Other..... | <u>1/</u> | Free | Free |
| 9817.00.98 | 00 | Theatrical scenery, properties and apparel brought into the United States by proprietors or managers of theatrical, ballet, opera or similar productions arriving from abroad for temporary use by them in such productions..... X..... | | Free | The rate applicable in the absence of this heading |

1/ See statistical note 1 to this subchapter.

| | | | | | |
|------------|--|-----------|------|--|--|
| 9817.29.01 | <u>1/</u> Cyclic organic chemical products in any physical form having an aromatic or modified aromatic structure, however provided for in chapter 29 (but excluding 2,3-dihydroxynaphthalene-6-sulfonic acid, sodium salt), to be used in the manufacture of photographic color couplers; photographic color couplers (but excluding 2,3-dihydroxynaphthalene-6-sulfonic acid, sodium salt) (all the foregoing goods however provided for in chapter 29 or in subheading 3707.90.31, 3701.90.32 or 3707.90.60)... | <u>1/</u> | Free | | The rate applicable in the absence of this heading |
| 9817.29.02 | <u>1/</u> Methanol (Methyl alcohol) produced from natural gas aboard a vessel on the high seas or in foreign waters..... | <u>1/</u> | Free | | 46% |
| 9817.57.01 | <u>1/</u> Needle-craft display models, primarily hand stitched, of completed mass-produced kits (provided for in subheading 5701.10.40, 5701.10.90, 5701.90.20, 5805.00.25, 5805.00.40, 6302.91, 6302.92, 6302.93.10, 6302.93.20, 6302.99.20, 6303.19, 6303.92.10, 6303.92.20, 6303.99, 6304.92, 6304.93, 6304.99.15, 6304.99.35, 6304.99.60, 6307.90.85 or 6307.90.99)..... | <u>1/</u> | Free | | The rate applicable in the absence of this heading |
| 9817.61.01 | <u>1/</u> Articles of ski racing apparel which, because of their padding, construction, or other special features, are specially designed to protect against injuries from the sport of ski racing, such as blows caused by slalom gates or falls (provided for in subheading 6101.30.20, 6105.20.20, 6110.10.20, 6110.20.20, 6110.30.30, 6112.20.10, 6114.30.30, 6203.43.15 or 6203.43.35)... | <u>1/</u> | 5.5% | The rate applicable in the absence of this heading (A, CA, E, IL, J, MX) | The rate applicable in the absence of this heading |
| 9817.82.01 | <u>1/</u> Mounted tool and drill bit blanks of polycrystalline diamond (provided for in subheadings 8207.19.60, 8207.50.40 or 8207.50.80) and mounted tool blanks of polycrystalline diamond (provided for in subheadings 8207.70.60, 8207.80.60, 8207.90.45 or 8207.90.75)..... | <u>1/</u> | Free | | The rate applicable in the absence of this heading |
| 9817.84.01 | <u>1/</u> Wheelbuilding, wheel-trueing, rimpunching, tire fitting and similar machines (provided for in subheading 8462.21, 8462.29, 8462.41, 8462.49, 8479.89.97 or 9031.80), all the foregoing suitable for use in the manufacture of wheels for bicycles..... | <u>1/</u> | Free | | The rate in the absence of this heading |

1/ See statistical note 1 to this subchapter.

SUBCHAPTER XVIII
VESSEL PARTS AND REPAIRS

XXII
98-55

U.S. Note

1. The provisions of this subchapter pertain to vessels documented under the laws of the United States to engage in the foreign or coasting trade, or vessels intended to be employed in such trade, for which any entry is required under the customs laws of the United States.

Statistical Note

1. For statistical reporting of merchandise under subheading 9818.00.05.
 - (a) Report the 8-digit number (or 10-digit number, if any) found in this subchapter in addition to the 10-digit number appearing in chapters 1-97 which would be applicable but for the provisions of this subchapter; and
 - (b) The quantities reported should be in the units provided in chapters 1-97.

| | | | | | | |
|------------|----|--|---|------|-------------------|---|
| | | Equipments, or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in a foreign country upon, a vessel described in U.S. note 1 to this subchapter: | | | | |
| 9818.00.01 | 00 | Any equipment, or any part of equipment, purchased for, or the repair parts or materials employed in, or the expense of repairs made in a foreign country with respect to, a LASH (Lighter Aboard Ship) barge utilized as a cargo container, upon first arrival of such barge in any port of the United States..... X..... | Free | | | 50 percent of the cost of such goods or repairs |
| 9818.00.03 | 00 | Spare repair parts or materials (other than nets or nettings) which the owner or master of a vessel certifies are intended for use aboard a cargo vessel, for installation or use on such vessel, as needed, in the United States, at sea, or in a foreign country, but only if duty is or has been paid under this schedule upon first entry into the United States of each such spare part or material purchased in, or imported from, a foreign country..... X..... | Free | | | 50 percent of the cost of such parts or materials |
| 9818.00.05 | 00 | Spare parts necessarily installed before first entry into the United States, upon first entry into the United States of each such spare part purchased in, or imported from, a foreign country..... <u>1/</u> | The rate applicable in the absence of this subheading on the cost of such parts | Free | (C,CA,E,IL, J,MX) | 50 percent of the cost of such parts |
| 9818.00.07 | 00 | Other, upon first arrival in any port of the United States of any vessel described in U.S. note 1 to this subchapter..... X..... | 50 percent of the cost of such goods or repairs | Free | (C,CA,E,IL, J,MX) | 50 percent of the cost of such goods or repairs |

1/ See statistical note 1 to this subchapter.