



## NEWS IN BRIEF

### ITRAC Possibly May Remain Active

In the last few months there have been announcements that U.S. Customs and Border Protection (CBP) was terminating access to its Importer Trade Activity Report (ITRAC) and would replace it with the use of various reports in the ACE portal. The ITRAC includes import data that CBP holds on file for each importer. CBP is reconsidering its stance on ending this important report. We should have more information soon.

### President Obama Removes Burma Sanctions

In a recent article, we wrote about how President Obama has restored Burma's (often referred to as Myanmar) privileges to participate in the Generalized System of Preferences (GSP). This restoration is effective for goods entered on or after November 13, 2016. This did not remove the 1997 Executive Order that banned new investment in Burma. There were also sanctions still in effect on individuals under the Block Burmese Junta's Anti-Democratic Efforts Act of 2008 (JADE). On Friday, October 7, President Obama took action to complete trade liberalization and investment with Burma with an Executive Order. This order can be found on the Federal Register website at:

<https://www.gpo.gov/fdsys/pkg/FR-2016-10-12/pdf/2016-24847.pdf>

### CBP Issues New Ruling on American Goods Returned

U.S. Customs and Border Protection (CBP) has issued a new ruling dealing with the return of American made products within 3 years of the exportation. The Harmonized Tariff Schedule of the United States (HTSA) subheading 9801.00.10 was changed in 2016 by Section 904(b) of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA). The change included any products which are returned within 3 years after exportation. Previously, subheading 9801.00.10 HTSA, only applied to products of the United States. It now provides for the duty-free treatment of products of the United States when returned after having been exported, **or any other products when returned within 3 years**, without having been advanced in value or improved in condition by any process of manufacture or other means while abroad. Export documentation showing that the goods were exported within 3 years of the re-importation is necessary for the duty-free claim for both U.S. originating and foreign made goods that are returned.

CBP's new ruling allows proof of exportation as possibly the only requirement for goods entered under 9801.00.10 returned to the U.S. within 3 years of the exportation. Documents such as a manufacturer's affidavit should not be required if proof of the exportation within 3 years is submitted. However, U.S. origin goods returned after 3 years from exportation will still be required to show the traditional proof of U.S. origin to qualify for duty-free treatment under HTS 9801.00.10. A copy of this binding ruling can be found at:

<http://rulings.cbp.gov/index.asp?ru=h276787&qu=H276787&vw=detail>

<http://rulings.cbp.gov/index.asp?ru=h142395&qu=H142395&vw=detail>

### Final Rules on Shift in the USML

The Bureau of Industry and Security (BIS) and the State Department both issued final rules that will move certain fire control, laser, imaging, and guidance equipment from the U.S. Munitions List (USML) in Category XII to the Commerce Control List (CCL). The proposed rule was issued May of 2015 and February of 2016. This rule does not mean that the products listed can be exported without fulfilling export licensing requirements, but they are still subject to Commerce Department licensing. Both agencies believe this will open more business access to small and medium size companies. Both agencies had to work together to have the changes published at the same time to avoid enforcement conflict with an overlap to the changes. Both rules go into effect on December 31, 2016. The BIS Federal Register Notice can be found at:

<https://www.gpo.gov/fdsys/pkg/FR-2016-10-12/pdf/2016-24220.pdf>

The State Department Federal Register Notice can be found at:

<https://www.gpo.gov/fdsys/pkg/FR-2016-10-12/pdf/2016-24225.pdf>

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