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File No. 0842-01

U.S. Customs and Border Protection
Attn: Tracey Denning
Regulations and Rulings
Office of International Trade
799 9th Street, N.W., 5th Floor
Washington, D.C. 20229-1177

RE: Agency Information Collection Activities:
Certificate of Origin
CBP Form 3229

Dear Ms. Denning,

This responds to the invitation for comments published in the Federal Register on April 6, 2011 (76 Fed.Reg. 19119) regarding the information collection requirements of Certificate of Origin CBP Form 3229, which is used to support the duty-free treatment under General Note 3(a)(iv) of the Harmonized Tariff Schedule of the United States of products produced in the U.S. insular possessions.

The request for comments is part of Customs and Border Protection's ("CBP") "continuing effort to reduce paperwork and respondent burden...", which we strongly support. The notice is similar to one published in the Federal Register on March 25, 2008 (73 Fed. Reg. 15766), to which we responded on May 27, 2008 with the following proposals: (1) elimination of the requirement that the local CBP officer in the insular possession verify and sign the Form 3229, and (2) modification of the Form 3229 to

permit it to cover transactions made during a blanket 12-month period, rather than requiring a separate form for each shipment.

A copy of our May 27, 2008 comments is enclosed and incorporated herein by reference. Subsequent to that filing, we were informally informed that CBP considered our suggestions to have merit but that they would require a change in the regulations to implement. To the best of our knowledge, no notice of proposed rulemaking has been published. We ask that it be pursued.

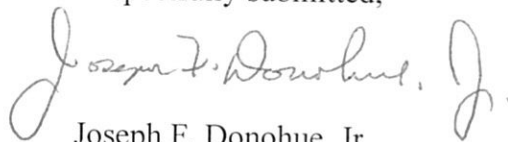
As explained in our May 27, 2008 submission, our proposals would help to reduce burdens on shippers and CBP officers in the U.S. insular possessions. At a time when both CBP and the private sector are being ask to “do more with less”, a proposal that would relieve CBP and private industry of unnecessary paperwork burdens is worthy of serious pursuit.

Form 3229 is unique in that it requires “verification” and signature by a local CBP officer at the port of export in the U.S. insular possession. As noted in our earlier comments, verification of every Form 3229 is not feasible. Nevertheless, the shipper must deliver it to the CBP officer and either wait for a signature or leave the form and retrieve it several days later. Elimination of this requirement would relieve both the shipper and CBP of a burden that seems quite unnecessary. Such change would not jeopardize the revenue because CBP at the port of entry would retain its authority to verify the duty-free eligibility of a particular shipment or a group of shipments either by issuing a request for information (Form 28) or conducting a more detailed verification if it thought one was warranted, including a request for assistance from the local CBP officer in the insular possession.

Our second proposal, the redesign of Form 3229 to allow coverage of shipments made over a blanket period of time, would relieve the shipper of the burden of reporting details of production on a shipment-by-shipment basis. Such a change would in no way lessen the responsibility of producers and importers to retain data for the requisite period so that it would be available in the event CBP sought to review it. A blanket certificate of origin covering goods from Canada and Mexico has been accepted since 1993 under the North American Free Trade Agreement (19 CFR 181.11, 181.22(b)(5)), and more recently such certificates have been accepted for goods from other countries under other free trade agreements (“FTA”) and duty preference programs (“DPP”), such as the U.S.-Caribbean Basin Trade Partnership Act (19 CFR 10.236(b)(4)(ii)), the Andean Trade Promotion and Drug Eradication Act (19 CFR 256(b)(4)(ii)), the U.S.-Chile Free Trade Agreement (19 CFR 10.411(e)(2)), the U.S.-Singapore Free Trade Agreement (19 CFR 10.511(d)(2)), and the U.S.-Oman Free Trade Agreement (interim 19 CFR 10.864(d)(2)--76 Fed Reg. 697 (Jan. 6, 2011)). The use of a blanket certificate of origin rather than a shipment-by-shipment document in the above cases has reduced the paperwork burden on the respondents and CBP without compromising CBP’s ability to review duty-free eligibility under a particular FTA or DPP. A blanket form covering products produced in the U.S. insular possessions should have a similar effect.

Your consideration of these proposals is appreciated.

Respectfully submitted,


Joseph F. Donohue, Jr.