

Issued: December 1, 1998.

L. Robert Shelton,

*Associate Administrator for Safety
Performance Standards.*

[FR Doc. 98-32510 Filed 12-7-98; 8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

Implementation of the Automated Drawback Selectivity Program

AGENCY: U.S. Customs Service,
Department of the Treasury.

ACTION: General notice.

SUMMARY: This document sets forth for the information of the general public the text of a document that was previously published in the *Customs Bulletin* on November 25, 1998, pursuant to section 622 of the Customs Modernization provisions of the North American Free Trade Agreement Implementation Act, to provide notice of the nationwide operational implementation of an automated drawback selectivity program. Publication of that notice in the *Customs Bulletin* was a prerequisite to application of the section 622 provisions that provide for the imposition of monetary penalties for filing false drawback claims and that provide for the establishment of a drawback compliance program.

FOR FURTHER INFORMATION CONTACT: Al Morawski, Office of Field Operations (202-927-1082).

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, the President signed the North American Free Trade Agreement Implementation Act (the Act, Pub. L. 103-182, 107 Stat. 2057). Title VI of the Act set forth Customs Modernization provisions that included, in section 622, provisions regarding penalties for false drawback claims. Paragraph (a) of section 622 amended the Tariff Act of 1930 by adding section 593A (codified at 19 U.S.C. 1593a) which prescribes the actions that Customs may take (including the assessment of monetary penalties) for the filing of false drawback claims, requires Customs to establish a voluntary drawback compliance program, and requires the Secretary of the Treasury to promulgate regulations and guidelines to implement the section 593A provisions. Under paragraph (b) of section 622, the section 593A provisions apply to drawback claims filed on and after the nationwide operational implementation of an automated

drawback selectivity program by Customs, and Customs was required to publish in the *Customs Bulletin* the effective date of that selectivity program. The notice mandated by paragraph (b) of section 622 was published in the *Customs Bulletin* on November 25, 1998, and is republished here for the information of the general public.

Dated: December 2, 1998.

Stuart P. Seidel,

*Assistant Commissioner, Office of
Regulations and Rulings.*

Accordingly, the document that provided notice of the nationwide operational implementation of the automated drawback selectivity program, as discussed above, is reproduced below:

Department of the Treasury

United States Customs Service

[T.D. 98-88]

Implementation of the Automated Drawback Selectivity Program

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: Pursuant to section 622 of the Customs Modernization provisions of the North American Free Trade Agreement Implementation Act, this document provides notice of the nationwide operational implementation of an automated drawback selectivity program. Publication of this notice is a prerequisite to application of the section 622 provisions that provide for the imposition of monetary penalties for filing false drawback claims and that provide for the establishment of a drawback compliance program.

DATES: The automated drawback selectivity program was implemented on August 29, 1998. The liability for monetary penalties for the filing of false drawback claims applies to drawback claims filed on and after November 25, 1998.

FOR FURTHER INFORMATION CONTACT: Al Morawski, Office of Field Operations (202-927-1082).

SUPPLEMENTARY INFORMATION:

Background

The Customs Modernization provisions contained in Title VI of the North American Free Trade Agreement Implementation Act (the Act, Pub. L. 103-182, 107 Stat. 2057) included, in section 622, provisions regarding penalties for false drawback claims.

Paragraph (a) of section 622 amended the Tariff Act of 1930 by adding section 593A (codified at 19 U.S.C. 1593a) which (1) prescribes the actions that Customs may take, including the assessment of monetary penalties, for the filing of a false (fraudulent or negligent) drawback claim, (2) requires Customs to establish a voluntary drawback compliance program under which

participants in certain circumstances may be afforded an alternative to the monetary penalty that would normally apply for filing a false drawback claim, and (3) requires the Secretary of the Treasury to promulgate regulations and guidelines to implement the section 593A provisions.

Under paragraph (b) of section 622, which concerns the effective date of the amendment made by paragraph (a), the section 593A provisions can apply only to drawback claims filed on and after the nationwide operational implementation of an automated drawback selectivity program by Customs. Customs is required under paragraph (b) of section 622 to publish in the *Customs Bulletin* the effective date of the selectivity program.

Drawback Compliance Program

On March 5, 1998, Customs published in the **Federal Register** (63 FR 10970) as T.D. 98-16 a final rule document which revised the provisions within the Customs Regulations that pertain to drawback. The bulk of those drawback regulatory changes involved a revision of Part 191 of the Customs Regulations (19 CFR Part 191) in order to, among other things, reflect extensive changes to the drawback law made by section 632 of the Act. The Part 191 texts as so revised also include a Subpart S, §§ 191.191 through 191.195, which pertains to the drawback compliance program mandated by section 593A of the Tariff Act of 1930 as added by section 622 of the Act. Those Subpart S provisions are directed to procedural aspects of the drawback compliance program (such as program participation requirements, including application submission and approval standards) and therefore do not incorporate specific standards for the assessment or mitigation of penalties against program participants for filing false drawback claims. In view of the effective date limitation in paragraph (b) of section 622 of the Act, Customs has to date not accepted applications from prospective program participants or in any other way put those Subpart S provisions into operation.

Penalties and Mitigation Guidelines for False Drawback Claims

On September 29, 1998, Customs published in the **Federal Register** (63 FR 51868) a notice of proposed rulemaking which set forth proposed amendments to the Customs Regulations to set forth the procedures to be followed when false drawback claims are filed and penalties are thereby incurred. The proposed regulatory changes implement all penalty aspects of section 622 of the Act and thus include proposed mitigation guidelines that Customs would follow in arriving at a just and reasonable assessment and disposition of liabilities when false drawback claims are filed and penalties are incurred by drawback compliance program participants or by persons who are not participants in that program. The document also proposed an amendment to the regulatory texts adopted by T.D. 98-16 to provide more specificity regarding the grounds and procedures for removal of a participant from the drawback

compliance program. The Background portion of the document also referred to paragraph (b) of section 622 of the Act, noting in this regard that the proposed regulatory amendments set forth in the document, if adopted as a final rule, will not be effective until Customs implements an automated drawback selectivity program.

Implementation of the Selectivity Program

Customs hereby gives notice that on August 29, 1998, Customs implemented, on a nationwide operational basis, an automated drawback selectivity program. This criteria-based selectivity program automates the previously manual, labor-intensive processing of drawback claims. This automation will result in more efficient processing of drawback data and will move Customs one step closer to paperless processing of drawback claims.

As a consequence of implementation of the drawback selectivity program, any person who files a false drawback claim on and after November 25, 1998, will become potentially liable for a monetary penalty under 19 U.S.C. 1593a. However, Customs does not intend to issue a penalty notice or take any other action authorized by 19 U.S.C. 1593a in respect of any such violation until such time as final regulations implementing the provisions of 19 U.S.C. 1593a are in effect.

Dated: November 4, 1998.

Robert S. Trotter,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 98-32515 Filed 12-7-98; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Education, Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Public Law 92-463) of October 6, 1972, that the Veterans' Advisory Committee on Education has been renewed for a 2-year period beginning November 13, 1998, through November 13, 2000.

Dated: November 24, 1998.

By direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 98-32497 Filed 12-7-98; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Structural Safety of Department of Veterans Affairs Facilities, Notice of Meeting

The Department of Veterans Affairs (VA), in accordance with Public Law 92-463, gives notice that a meeting of the Advisory Committee on Structural Safety of Department of Veterans Affairs Facilities will be held on:

Monday, December 14, 1998: 10:00 a.m. to 5:00 p.m.

Tuesday, December 15, 1998: 9:00 a.m. to 12:00 p.m.

The location of the meeting will be 811 Vermont Avenue, NW, Washington, DC, in Room 438 on December 14, 1998, and Room 442 on December 15, 1998.

On Monday, December 14, 1998, the Committee will review the developments in the field of structural design, as they relate to seismic safety of buildings, and fire safety issues. On Tuesday, December 15, 1998, the Committee will vote on structural and fire safety issues for inclusion in VA's standards. Both days will be open to the public.

Those wishing to attend should contact Krishna K. Banga, Senior Structural Engineer, Standards Service, Facilities Quality Office, Office of Facilities Management, Department of Veterans Affairs Central Office (phone 202-565-9370) prior to the meeting.

Dated: December 1, 1998.

By direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 98-32498 Filed 12-7-98; 8:45 am]

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