

GENERAL AGREEMENT ON TARIFFS AND TRADE

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

UNITED STATES

Information on import licensing procedures of the United States, submitted in response to the questionnaire annexed to document L/5106, has been made available to contracting parties in document COM.IND/W/55-COM.AG/W/72/Add.18, as amended by Corr.1 and Corr.2 and Add.56/Rev.1. The following notification, describes the following procedures:

1. Department of Agriculture: plants and plant products;
2. Department of Agriculture: certain dairy products;
3. Department of Agriculture: animals and animal products;
4. Department of Energy: natural gas and petroleum products;
5. Department of the Interior: fish and wildlife (including endangered species); and
6. Department of Justice: controlled substances.

The information reproduced below may not completely reflect import licensing requirements by the United States. Additional responses may be supplied at a later date.

1. Department of Agriculture: Plants and Plant Products

Outline of the system

1. Import permits are required for the importation of most plants and plant products, to protect against introduction of pests and disease.

Purposes and coverage

2. Permits are required for:
 - plants and plant products for or capable of propagation
 - fruits and vegetables.
 - grains
 - cut flowers
 - cotton and cotton covers
 - sugar cane bagasse
 - broom corn and broom straw
 - certain rice products
3. The permit system applies to products coming from all countries.
4. The permit system is not used to restrict the quantity or value of imports, but to protect agricultural entry of plant pests and disease.
5. The permit system is a statutory requirement of the Plant Quarantine Act, 7 USC 154. The law specifies broad categories for the permit system.

Procedures

6. Not applicable.
7. (a) The amount of time in advance of importation within which a permit must be applied for is not specified in the legislation. However, a reasonable period of time must be allowed for permit issuance.
 - (b) A permit cannot be granted immediately on request.
 - (c) There are no limitations as to the period of the year during which permit applications may be made.
 - (d) Permit applications are effected by one office, U.S. Department of Agriculture, Permit Section, Room 635, 6505 Belcrest Road, Hyattsville, Maryland 20782. The application is not passed on to other organs for visa, note or approval, and the importer does not have to approach more than one administrative organ.
8. There are no circumstances other than failure to meet ordinary criteria under which a permit may be refused. Reasons for refusal are given to the applicant. No appeal procedures are specified in the legislation.

Eligibility of importers to apply for license

9. All persons, firms and institutions are eligible to apply for licenses. There is no registration fee. There is no published list of authorized importers.

Documentational and other requirements for application of license

10. The information required in applications is set forth in the PPQ Form 587.
11. The only documentation required for actual importation are those routinely required for all imports. For most plants and plant products a phytosanitary certificate must accompany the shipment.
12. There is no licensing fee or administrative charge.
13. No deposit or advance payment is required in connection with the issue of permits.

Conditions of Licensing

14. Permits are valid for five years, and they can be extended by reapplication.
15. There is no penalty for non-utilization of a permit.
16. Permits are not transferable between importers.
17. There are no other conditions attached to the issuance of a permit other than for plants requiring post-entry growing.

Other procedural requirements

18. There are no other administrative procedures required prior to importation.
19. Not applicable.

2. Department of Agriculture: Certain Dairy Products

Outline of the system

1. Annual import quotas are imposed by Presidential Proclamation on certain dairy products whenever such imports are found to interfere or threaten to interfere with agricultural price support or other programmes, or cause substantial reduction in the administering the quotas for most of these products.

Purpose and coverage of the licensing

2. The licensing system covers the following dairy commodities: butter; certain dried milk products; malted milk and other articles of milk or cream; and certain cheeses.

3. The licensing system applies to dairy products coming from all supplying countries.

4. The licensing system is an administrative tool by which quantitative restrictions are allocated. No alternative methods have been adopted because the licensing system has proved to be a convenient and equitable means of allocating existing quotas and numerous domestic importers, while maintaining historical market shares among supplying countries.

5. The licensing system is not a statutory requirement. The authority to make such allocations was delegated to the Secretary of Agriculture by Presidential Proclamation 3019 of 8 June 1953. The requirement for import quotas under certain circumstances is provided by statute in Section 22 of the Agricultural Adjustment Act of 1933, as amended. Therefore, the system could not be abolished without legislative approval.

Procedures

6. (a) The procedures for making licence application are published in the Federal Register. Information on quota levels, both global and individual country allocations, are published as Part 3 to the Appendix to the Tariff Schedules of the United States. The quota share allocated to each importer is, however, not publicly available (such information is considered as confidential business of the licensee).

(b) Once established, the size of the annual quotas remains unchanged unless modified after full Section 22 review. Licences cover the entire year and are issued for use beginning 1 January. Importers have to re-apply for licences each year during a 90-day application period which begins August 1.

(c) Licences are allotted to importers of dairy products regardless of whether they are producers of like products. See question 8 for an explanation of the steps taken to ensure that licences allocated are actually used for imports. Unused allocations may not be added to the allocation of the succeeding year. However, unused allocations may be voluntarily surrendered by no later than October 1 of each year. The amounts voluntarily surrendered are then reallocated to other eligible licensees is mailed to all licensees each year. The list is available to other upon request.

(d) When a new quota for a dairy product is announced, the applicants have at least thirty days after the announcement of application procedures to submit applications and supporting documentation.

(e-f) Applications are processed as received. Calculation of the individual quota shares is completed after the November 1 deadline for applying. Licenses are issued for use beginning January 1.

(g) Only the Import Group, Foreign Agricultural Service, United States Department of Agriculture, considers license applications on dairy products.

(h) Allocations of quota shares are made first to historical licensees, i.e., those who were importing prior to the imposition of the quotas. Allocation of the balance of the quotas is to nonhistorical and supplementary import licenses. Nonhistorical licensees are given priority from one year to the next provided they either use at least 85 percent of the license amount or voluntarily surrender that portion of the license amount they are not able to use. Eligibility requirements for supplementary licenses are the same as for nonhistorical licenses. Allocation to supplementary licenses are made to eligible applicants on a first-come, first-served basis except that the Government of countries that were assigned specific quotas as a result of the Trade Agreements Act of 1979 may name preferred importers for that portion of the quota not allocated to historical importers. (See reply to Question 9).

(i) Not Applicable

(j) Not Applicable

(k) Not Applicable

7. Not Applicable

8. Historical license eligibility can be revoked if the licensee fails to import against his quota share for two consecutive years or any three years within a five year period. Licensees must use at least 85 percent of the license amount or voluntarily surrender the portion that he is unable to use, the license for that item for the next year will be reduced to the amount imported in the last year or one quarter of the Basic Annual Allocation whichever is greater. Nonhistorical licensees and supplementary licensees must use at least 85 percent of the license amount or voluntarily surrender that portion they are unable to use in order to be eligible for a license for that item next year. Revocation of historical licenses may be appealed within 30 days of the notification of revocation.

Eligibility of importers to apply for licenses

9. Bona fide importers or manufactures of dairy products are eligible for import licenses. Historical license eligibility is established primarily on the basis of proof of importation of the item, for which application for license is made, during a specified representative period. The licensee is allocated a proportional share of the applicable quota bases on his trade during the representative period. Most quotas have a certain portion set aside for nonhistorical or supplementary licensees. An applicant for non-

historical and/or supplementary licenses must establish that (1) he is currently in the business of importing or manufacturing cheese and/or cheese product; and (2) that he is not affiliated with any other person or firm holding import licenses.

10. Applications for historical licenses must submit proof of importation of the item, for which license application is made, during the specified representative period. In addition, for continuation of historical eligible the applicant must certify each year that they will meet the requirements of the Import Regulation (form FAS-922). Applicants for non-historical and supplementary licenses must also submit certification as for historical licenses and proof of importation of at least 10,000 pounds or manufacturing of at least 100,000 pounds of cheese or cheese products in a USDA approved plant (forms FAS-923 and FAS-924). Application may be submitted using the appropriate forms, or, if the forms are not available, in letter form.

Documentation and other requirements for application for license

11. At the time of the actual importation a license number and control number taken from the licensee's copy of the license must be presented to the Port Director of Customs at the port where entry is made.

12-13. No fees or deposits are charged for or associated with the issuance of licenses.

14. Licenses are valid from the date of issuance through December 31 of the year. License validity cannot be extended into the next quota year.

15. See Reply to question 8.

16. Licenses are not transferable between importers.

17. No other conditions are attached to the issuance of a license.

Other procedural requirements

18. All food imports are subject to the sanitation and labelling requirements of the Food, Drug and Cosmetic Act and the Fair Packaging and Labelling Act and the Federal Import Milk Act. These requirements are administered by the Food and Drug Administration.

19. Not applicable.

3. Department of Agriculture: Animals and Animal Products

Outline of the system

1. Import permits are required for the importation of certain animals and animal products, to protect U.S. livestock and poultry against introduction of disease.

Purposes and coverage

2. Permits are required for:
 - samples of certain dairy products
 - specimens of certain animal products for scientific use
 - samples of hay, straw and grasses
 - domestic farm livestock and other species that carry diseases that can affect farm livestock; notifies port veterinarian that an authorized shipment is imminent
 - poultry and hatching eggs
 - birds
3. The permit system applies to animals coming from all countries. Some variation results from whether or not the particular country is identified as unaffected by certain diseases.
4. The permit system is not used to restrict the quantity or value of imports, but to protect the domestic agriculture from entry of animal disease or pests.
5. The permit system is not a statutory requirement. The pertinent regulations are contained in 9CFR92 through 96; and in the following laws as codified: 21 USC 102 to 105, 111, 134, 135 and 19USC1306.

Procedures

6. Not applicable.
7. (a) The amount of time in advance of importation within which a permit must be applied for is not specified in the regulations.
(b) A permit cannot be granted immediately upon request. Prior review is required.
(c) There are no limitations as to the period of the year during which permit applications may be made.
(d) Permit applications are effected by one office. The application is not passed on to other organs for visa, note or approval, and the importer does not have to approach more than one administrative organ.
8. In general, there are no circumstances other than failure to meet ordinary criteria under which a permit may be refused. In the case of live animals, poultry, or birds, a permit for a particular time period

could be refused if space at a Quarantine Station is not available. Reasons for refusal are given to the applicant. No appeal procedures are specified in the legislation or regulations.

Eligibility of importers to apply for licenses

9. All persons, firms and institutions are eligible to apply for permits. There is no registration fee. There is no published list of authorized importers.

Documentational and other requirements for application of licenses

10. The information required in applications is set forth in VS forms 16-3, 16-3A, 16-28, 17-129, 17-130, 17-134, 17-135.
11. In the case of live animals and birds, copies of the import permit must accompany the shipment as well as a health certificate issued by the national veterinary service of the country of origin.
12. There is no licensing fee or administrative charge.
13. A \$40 reservation fee for poultry and birds is required in connection with reservation of quarantine space. It is not refundable. No deposit or advance payment is required in connection with other imports.
14. Permits for animals products vary in length of their validity, but are generally about 1 year. Permits for live animals and birds are valid for 7 to 60 days, depending on the type of animal. A new permit can be issued upon reapplication.
15. There is no penalty for non-utilization of a permit.
16. Permits are not transferable between importers.
17. There are no conditions attached to the issuance of a permit, provided the applicant complies with the terms of the permit.

Other procedural requirements

18. There are no other administrative procedures required prior to importation.
19. Not applicable.

4. Department of Energy: Natural Gas

Outline of systems

A. Authority

Imports of natural gas, whether by pipeline or as liquefied natural gas (LNG), are regulated under Section 3 of the Natural Gas Act (NAG)^{1/} (Act of 21 June 1938, C. 556, 52 Stat. 821-833, 15 U.S.C. 717-717w). The authority to authorize the importation of natural gas rests with the Secretary of Energy. The Secretary has delegated that authority to the Administrator of the Economic Regulatory Administration (ERA) within the Department of Energy (DOE).

B. Application, Filing, Public Notice, and Hearing

Import authorization proceedings are initiated by the filing of an application. The application is not a standard form, but an individual document incorporating the basic information and exhibits required by the rules covering such applications set forth in 18 CFR Part 153^{1/}. After receipt of an application, ERA provides public notice of the filing in the Federal Register and solicits comment on the proposal. Depending on the response to the notice and intervention by interested persons, ERA may act on the application immediately or institute further proceedings which can involve briefs of the issues, oral argument, and in some cases an evidentiary hearing. An opportunity for hearing must be provided before an application can be denied.

C. Approval/Denial, Opinion and Order and Rehearing

After completing a record of the case, ERA can approve the import unconditionally, approve with conditions, or deny the import entirely. An ERA import decision is usually issued as an Opinion and Order, containing a narrative history of the proceedings, the issues considered, and the actual order itself. Any party potentially aggrieved by an ERA decision, may petition for hearing of the decision^{1/}. If rehearing is denied or if the decision on rehearing does not satisfy the aggrieved party, that party may petition for review of the decision by the United States Circuit Court of Appeals. The court may uphold the decision or remand it to ERA for further review.

^{1/} Copies of these documents are available for consultation in the Technical and Other Barriers to Trade Division, Room 1073, Centre William Rappard.

Import Licenses for products other than Natural Gas

License is required for importers of all petroleum products entered into Customs Zone of the United States. Application is made to the Office of Oil Imports of the Economic Regulatory Administration of the Department of Energy. License is required for all petroleum based hydrocarbons except ethane, propane, and butanes. License is furnished to Bureau of Customs (electronically) and is decremented by Bureau of Customs upon each entry against the license.

Purposes & Coverage of the Licensing

2. Licenses are applied for under the following categories:
 - crude oil
 - natural gas products
 - unfinished & finished products and gasoline (except residual fuel oil)
 - natural gas (LNG) or mixtures of natural gas and synthetic gas (SNG)
3. The system applies to all countries outside of the U.S. Customs Zone.
- 4a. In all categories the licensing is intended to restrict the quantity of imports. In the case of natural gas, the licensing system is intended to permit all importations of natural gas except those which "will not be consistent with the public interest" (see Section 3 of the NGA). Volumetric limits, cost ceilings, or particular purchase contract arrangements may be imposed on a case-by-case basis in decisions or by rules in order to satisfy the public interest standard.
- b. In the past, in all other categories, allocations, license fees and a combination of allocations and license fees were implemented. In 1979, consideration was given (public hearings were held) to three methods of controlling imports of petroleum. These methods were: quotas, fees, and auction. None were implemented because imports were declining because of reduced petroleum consumption.

- 5a. Federal authorization of natural gas imports is required by Section 3 of the NGA (15 U.S.C. 717b). The NGA specifies that natural gas can only be imported pursuant to an authorization granted under the Act. The Department of Energy Organization Act of 1977 (Pub. L. 95-91, Stat. 565, 42 U.S.C. 7101 et seq.) specifies that natural gas imports be administered by the Secretary of Energy. The exact administrative rules by which natural gas imports are authorized can be set forth by the Secretary, subject to limits imposed by administrative law requirements and judicial precedent.
- b. In all other categories, the Mandatory Oil Import Program applies. It has legislative basis in the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) and is administered under Proclamation 3279, as amended. The Proclamation (Sec. 4(a)) gives the Secretary of Energy authorization to issue regulations for the purpose of implementing the proclamation. Implementing regulations are found at Part 213, 10 CFR.

Procedures

6. No products are restricted as to the quantity or value of imports.
- 7a.(1) In all categories except natural gas, application for license may be made 10 days in advance. However, licenses can be issued in a matter of hours.
- (2) An application for authorization to import natural gas can be made at any time. Because of the magnitude of most natural gas import projects and the method of transportation (pipeline or LNG tanker), inadvertant imports do not occur.
- b.(1) In all categories except natural gas, license may be granted immediately on request.
- (2) In the case of natural gas, an import authorization can only be granted upon application and after public notice and comment. The notice period can be abbreviated or occur later to permit authorization to obviate emergency situations. Emergency authorizations are usually of limited duration.
- c. Applications for license may be filed any time during the year.

d.(1) In all categories except natural gas, license applications are effected by a single administrative organ, the Office of Oil Imports.

(2) Applications to import natural gas are filed only with the ERA. However, the Federal Energy Regulatory Commission (FERC) retains residual authority over natural gas imports and also regulates transportation of imported gas, authorizes construction of facilities used in the import, and sets domestic tariffs applicable to the imported gas. In most cases the applicant files a contemporaneous but independent application with the FERC covering those matters about the import project subject to FERC jurisdiction.

8a. In all categories except natural gas, licenses can only be refused if there were violations of the ordinary criteria. The reasons for refusal are given to the applicant, who then has a right to file a notice of appeal with the Office of Exceptions and Appeals under the procedures set forth by that office.

b. The criteria applied by the ERA in considering a proposed natural gas import are set forth in DOE Delegation Order 0204-54¹ (44 FR 56735, October 2, 1979). The ERA can only authorize an import upon a finding that the proposal is not inconsistent with the public interest. All ERA orders whether approving or denying an authorization set out the factual and legal basis for the decision. Any party aggrieved by the decision may ask for rehearing of the decision (effectively an administrative appeal) under Section 19 of the NGA. If after rehearing an aggrieved party is still not satisfied, the party may then seek review of the decision by the U.S. Circuit Court of Appeals.

Eligibility of importers to apply for license

9. In all categories, all persons, firms and institutions are eligible to apply for licenses.

Documentation and other requirements for application of license

10a. Application for imports of petroleum products^{1/} to be filed in triplicate.

b. In th case of natural gas current rules do not establish or require any official application form. (See Appendix B, 18 CFR Part 153.)

¹Copies of these documents are available for consultation in the Technical and Other Barriers to Trade Division, Room 1073, Centre William Rappard.

11. Documentation of entry is solely a responsibility of the Bureau of Customs.
12. A filing fee of U.S. \$50.00 is charged for each application for authorization to import natural gas. There is no charge in all other categories.
13. There is no deposit or advance payment requirement associated with the issue of licenses.

Conditions of Licensing

- 14a. In all categories except natural gas, the period of validity can be extended by a change to a computer file.
 - b. The duration of a natural gas import authorization is usually specified in the ERA order granting the authorization and is variable dependent upon the particular circumstances of the proposal.
15. There is no penalty for non-utilization of a license or portion thereof.
16. Licenses are not transferable between importers.
- 17a. In all categories except natural gas, a single license has a maximum quantity of 50 million barrels, but multiple licenses can be issued.
 - b. Section 3 of the NGA permits the attachment of conditions to an authorization to import natural gas. The conditions, if any, are determined on a case-by-case basis, and have been concerned, among other things, with limits on the price to be paid for gas and contractual matters involved in the transaction.

Other Procedural Requirements

18. Other procedures are administered by the Bureau of Customs.
19. Commercial arrangement/funding are not within the jurisdiction of this Office.

5. Department of Interior: Fish and Wildlife (Including Endangered Species)

Outline of system

1. On August 25, 1980, the Service published final rules revising 50 CFR Part 14 (Importation, Exportation, and Transportation of Wildlife) to implement provisions of a number of wildlife laws enforced by the Service. As part of that rulemaking and under authority of the Endangered Species Act of 1979 (ESA), an import/export license requirement was imposed on any person who engages in business as an importer or exporter of fish or wildlife unless that person imports or exports certain excepted wildlife or falls within one of the categories of persons excepted from the requirement by the rules. The licensing provision was promulgated under section 9(d) of the ESA [16 U.S.C. 1538(d)] which provides that it is illegal for any person to engage in business as an importer or exporter of fish or wildlife (other than certain shellfish or fishery products) without first having obtained permission from the Secretary of the Interior. On March 24, 1974, the Service had published a notice granting temporary permission to all persons needing it. The import/export license was proposed on March 27, 1978. After two comment periods and two public hearings the Service retained the license requirement with certain exceptions in the final rules. The license requirement went into effect on January 1, 1981.

The license requirement is found at 50 CFR 14.91. Licensees must: (1) pay \$50 for a license (which is valid for two years), (2) keep certain records and retain them for five years, (3) allow Service inspection of records and inventories of imported wildlife, and (4) file any requested reports. Exceptions to the license requirement are found at 50 CFR 14.92. Certain persons excepted from the license requirement by 50 CFR 14.92(b) must still comply with the requirements of section 9(d) of the ESA, which are to: (1) keep records which fully and correctly disclose each importation or exportation of wildlife by them, (2) keep records which fully and correctly disclose the subsequent disposition by them of the imported or exported wildlife, and (3) allow Service inspection of records and inventories of imported wildlife.

Purposes and coverage of the licensing

2. The licensing system covers all "wildlife" which by regulation means the same as "fish or wildlife," which is defined by 50 CFR 10.12 as follows:

The term "fish or wildlife" means any wild animal, whether alive or dead, including without limitation any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, and including any part, product, egg, or offspring thereof.

3. The licensing system applies to any person who "engages in business as an importer or exporter of wildlife." That phrase means for a person to devote time, attention, labor, or effort to any activity for gain or profit that involves the importation or exportation of wildlife whether or not such person is an importer or exporter within the meaning of the

customs laws of the United States.

Persons excepted from the license requirement by 50 CFR 14.92(b) include:

- (1) Common carriers;
 - (2) Customs house brokers;
 - (3) Public museums, or other public, scientific or educational institutions, importing or exporting wildlife for research or educational purposes and not for resale;
 - (4) Federal, State, or municipal agencies;
 - (5) Circuses importing or exporting wildlife for exhibition purposes only and not for purchase, sale, or transfer of such wildlife; and
 - (6) Any person if the value [as declared on the Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177)] of the wildlife that person imports and exports during a calendar year totals less than \$25,000.
4. The licensing system is not intended to restrict the quantity or value of imports. The purposes of the license requirement are to: identify large commercial importers and exporters of wildlife, require records which fully and correctly disclose each importation or exportation of wildlife and the subsequent disposition of the wildlife by the importer or exporter, allow the Service to inspect records required to be kept and inventories of imported wildlife, remove repeat wildlife law violators from commercial wildlife trade, improve communications between the Service and commercial wildlife importers and exporters, and assist the Service in its effort to conserve endangered and threatened species and identify species which may be threatened or endangered.

A number of alternatives were considered in an environmental assessment drafted during the promulgation of the license. Relevant portions of that assessment have been attached.

5. Section 9(d) of the Endangered Species Act of 1973 [16 U.S.C. 1538(d)] makes it unlawful "for any person to engage in business as an importer or exporter of fish or wildlife... without first having obtained permission from the Secretary [of the Interior]." By regulation the term "permission" was treated as a grant of authority to require a license, but the license is not statutorily required. Exceptions to the license requirement can be created by regulation. Further, the coverage of the license can be broadened or narrowed by changing the definition of either "fish or wildlife" or the phrase "engage in business as an importer or exporter of fish or wildlife." It is possible to abolish this system without legislative approval.

Procedures

6. Not applicable.

7(a). No time-limit is set for receiving an application in advance of importation. However, 50 CFR 14.91(a) states "it is unlawful after December 31, 1980, for any person to engage in business as an importer or exporter of wildlife without first having obtained a valid import/export license from the Director [of the Service]."

(b). Yes.

(c). No.

(d). Applications are submitted to and processed by Service law enforcement district offices. The Special Agent in Charge of each office has been delegated authority to issue licenses.

8. Applications must meet the provisions of 50 CFR 13.11 and 13.12. Under 50 CFR 13.21(b) a license may be refused if:

- (1) The applicant has been assessed a civil penalty, has been convicted of any civil or criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction, evidences a lack of responsibility;
- (2) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;
- (3) The applicant has failed to demonstrate a valid justification for the permit and a showing of responsibility;
- (4) The authorization requested potentially threatens a wildlife or plant population, or
- (5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

An applicant must be notified in writing if the application is denied and given reasons for the denial. If authorized in the notice of denial, the applicant may submit further information, or reasons why the license should be granted. The final action by the Director is considered the final administrative decision of the Department of the Interior.

Eligibility of importers to apply for a license

9(a). Not applicable.

(b). All persons, firms, and institutions are eligible to apply for a license.

Documentational and other requirements for application of license

10. The following information is required:

- (1) Applicant's name, mailing address, and phone number;
- (2) Where the applicant is an individual, his date of birth, height, weight, color of hair, color of eyes, and sex; and business or institutional affiliation, if any, having to do with the wildlife to be covered by the license;
- (3) Where the applicant is a corporation, firm, partnership, institution, or agency, either private or public, the name and address of all partners and principal officers;
- (4) Location where the permitted activity is to be conducted;
- (5) Certification in the following language:

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

- (6) Desired effective date of license;
- (7) Date;
- (8) Signature of the applicant;
- (9) A brief description of the nature of the applicant's business as it relates to the importation or exportation of wildlife, e.g., "live animal dealer," "fur broker," "taxidermist," "retail department store," and "pet shop;"
- (10) A statement of where books or records concerning wildlife imports

or exports will be kept;

- (11) A statement of where inventories of wildlife will be stored;
- (12) Name, address, and telephone number of the officer, manager, or other person authorized to make records or wildlife inventories available for examination by Service officials; and
- (13) The anticipated dollar amount of wildlife to be imported or exported during a calendar year.

A copy of the application has been attached.

- 11. An import/export license is only permission to engage in business as an importer or exporter of wildlife. Such a license is in addition to, and does not supersede, any other requirement established by law for the importation or exportation of wildlife.
- 12. The license fee is \$50.
- 13. Applications must be accompanied by the license fee.

Conditions of licensing

- 14. Licenses are valid for 2 years and are renewable by filing a written request for renewal, together with a certified statement that the information in the original application is still currently correct, or a statement of all changes in the original application, accompanied by the license fee at least 30 days prior to the expiration of the license.
- 15. If a licensee discontinues engaging in business as an importer or exporter of wildlife, the licensee must within 30 days mail the license and a request for cancellation to the issuing officer.
- 16. Licenses are not transferable between importers. Agents under the direct control of, employed by, or under contract to the licensee may carry out the activities authorized by the license.
- 17(a) Not applicable.
- (b) In addition to the general conditions found in 50 CFR Part 13, under 50 CFR 14.93(d) licensees are subject to the following special conditions:
 - (1) The licensee shall, from the effective date of the license, keep such records as will fully and correctly disclose each importation or exportation of wildlife made by the licensee and the subsequent disposition made by the licensee with respect to such wildlife. The records must include a general description of the form of the wildlife, such as "live," "raw hides," or "fur garments;" the quantity of wildlife, in numbers, weight, or other appropriate measure; the common and scientific names; the country or place of origin of the wildlife, if known; the date and place of import or export; the date and place of import or export; the date of the subsequent

disposition of the wildlife; the manner of disposition, whether by sale, barter, consignment, loan, delivery, destruction, or other means; and the name and address of the person who received the wildlife pursuant to such disposition, if applicable;

(2) Licensees shall include and retain in their records copies of all permits required by the laws and regulations of the United States and any country of export or origin;

(3) Licensees shall maintain such books and records for a period of five years;

(4) Subject to applicable limitations of law, duly authorized Service officers at all reasonable times shall, upon notice, be afforded access to the licensee's places of business, an opportunity to examine the licensee's inventory of imported wildlife and the records required to be kept and an opportunity to copy such records;

(5) Licensees shall, upon written request by the Director, submit within 60 days of such request a report containing the information required to be maintained in the records of the licensee.

18. A licensee must comply with the requirements of 50 CFR Part 14 which apply to the importation, exportation, or transportation of wildlife generally. Further, a licensee importing or exporting a particular species may have to comply with other requirements found in 50 CFR Parts 10-23 and other State or Federal laws.
19. Not applicable.

6. Department of Justice: Controlled Substances

Outline of System

1. The system of import permits, declarations, and quotas is designed to restrict the importation of controlled substances to that quantity necessary to meet the medical, scientific or other legitimate needs of the United States, and to monitor the handlers of such substances. The system also establishes a method by which the United States can meet its international treaty obligations under the 1961 Single Convention Treaty on Narcotic Drugs and the Convention on Psychotropic Substances, 1971.

Purpose and Coverage of the Licensing

2. In order to import any controlled substances, the importer must apply to and be approved by the Drug Enforcement Administration for the specific activity requested, annually. Upon registration approval, prior to importation, the importer must (a) apply for and receive a permit per specific importation for a Schedule I, Schedule II or narcotic controlled substances in Schedules III, IV or V, or (b) submit a specific import declaration per shipment for all non-narcotic controlled substances in Schedule III, IV, or V. Attached is a list of those basic classes of substances covered. In addition, the following substances have recently been added:

Schedule I	Sufentanil	(12-1-80)
	Tilidine	(12-1-80)
Schedule IV	Pipradrol	(12-1-80)
	SPA	(12-1-80)

Other than opium or coca leaf, no Schedule I or II substance may be imported unless the Attorney General finds (a) an emergency exists in which domestic supplies are inadequate or (b) competition among domestic manufacturers is inadequate and will not be rendered adequate by registration of additional manufacturers.

3. The system applies to all importations of controlled drugs, regardless of country of origin.

4. The system is designed to restrict the quantity of imports of controlled drugs (not value) and to maintain a monitoring system. Previous systems were used prior to the CSA (effective May 1, 1971) however, the current system is mandated in law and based upon international drug treaties.
5. The system of registration of importers and the quota system are statutory requirements established in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (CS), Part C (Sections 301, 302, 303, 306) and the import requirements established in the Controlled Substances Import and Export Act (Sections 1002, 1007 & 1008) (21 U.S.C. 822, 823, 826, 952, 957, 958) and implementing regulations. The CSA statutorily establishes criteria by which drugs are controlled in one of the five schedules subject to import requirements. The system required by statute cannot be abolished without legislative approval.

Procedures

6. a. Annual notice of publication of aggregate production quotas designed to account for the total needs of the United States (either through domestic manufacture or importation) for all Schedule I and II controlled substances is published in the Federal Register on or about July 1 of the year prior to that to which the quota applies. No quota is established for Schedule III, IV or V substances. Additional notice of regulations is published in 21 Code of Federal Regulations, Part 1300 to End.
- b. Quotas for legitimate need are determined on an annual basis, but determinations regarding importations are made at the time of individual applications.
- c. Import permits are issued only on application by registered importers who have demonstrated the legitimate need for the imported substance. Declarations are submitted as notice of import only for monitoring by DEA.
- d. Not applicable; individual determinations are made.
- e & f. Import applications are reviewed as received
- g. DEA considers and approves all applications for importation of controlled substances. Copies of import permits are provided to the U.S. Customs service for monitoring and certification purposes.

- h. Registration is based, in part, on security, records, history of violations, state approval. Import permits are based upon supply and legitimate need for the substance in the U.S.
 - i. Not applicable.
 - j. Not applicable.
 - k. Controlled substances on permits may only be imported for legitimate needs of the U.S.
7. Schedule III, IV, and V non-narcotic controlled substances are subject to import declarations, and importers subject to registration.
- (a) Importation may be made only by approved, registered importers. An import declaration must be filed 15 days in advance of the proposed date of import. In special circumstances, the 15 days may be waived administratively.
 - (b, c) Not applicable.
 - (d) Yes, DEA
8. A registered importer can be refused an importation if he cannot demonstrate the need, in line with above criteria, in the United States. The importer may appeal the denial through a hearing with the Administrative Law Judge assigned to DEA matters.
9. Imports are only approved for registered importers who must be inspected for adequate records, security, state approval, etc. prior to registration. The registration fee is \$25.00. Researchers are also allowed to import those substances for which they are registered to conduct research.

Documentational Requirements for Applications

10. The information required for an import permit is set forth in 21 C.F.R. 1312.12 and includes (a) name, address of consignor, (b) foreign port of export, (c) U.S. port of entry, (d) dates of shipment, (e) name of carrier, (f) amount, and (g) importers allotment for the year.
11. Import permit.

12. No fee is levied per import permit.

13. No.

Conditions

14. Registration is annual. Permits are valid for six months.

15. Importation not pursuant to permit or declaration is subject to seizure, civil, and criminal penalties.

16. No.

17. No.

18. No.

19. Not applicable.

