Committee on Import Licensing

INFORMATION AVAILABLE TO THE SECRETARIAT

Note by the Secretariat
UNITED STATES

The United States' latest reply to the GATT Questionnaire on licensing is contained in the double symbol document COM.IND/W/55/Add.56/Rev.1-COM.AG/W/72/Add.56/Rev.1, dated 30 December 1976, which amended the basic United States' notification contained in Addendum 18 and Corrigenda 1 and 2 to the double symbol document.

The United States has also submitted information on implementation and administration of the Agreement on Import Licensing Procedures (LIC/1/Add.1) and has provided the secretariat with documentation on US laws and regulations pertaining to import licensing.

1. Publication
1.1 Names of publications

1.1.1 Department of Treasury, Bureau of Alcohol, Tobacco and Firearms publications, ATF-P series.
1.1.2 Department of Agriculture publications, USCS series
1.1.3 Code of Federal Regulations
1.1.4 Federal Register
1.1.5 Department of Energy, USC series
1.1.6 Appendix to United States Tariff Schedule

1.2 Copies of publications received
A. **Alcoholic beverages**

Department of Treasury - Bureau of Alcohol, Tobacco and Firearms.


2. Importer's Basic Permit ATF Form 1631 (5170.2) (2-77)

B. **Certain dairy products**

Department of Agriculture.

1. "Suggested Procedure for Applying for License Eligibility Under Import Regulation 1, Revision 7".


Department of Agriculture, Office of the Secretary Section 22 Import Quotas; certain dairy products.

3. 21 USCS 141-149 - Importation of milk and cream.


C. **Most live plant material, most fruit and vegetables, most nursery stock, some cut flowers, certain cotton products.**

Department of Agriculture - animal and plant, Health Inspection Service.

1. 7 USCS 151-167 - nursery stock and other plants and plant products.

2. Part 319 of Title 7 of the Code of Federal Regulations - Foreign Quarantine Notices:

   319.8 - Foreign cotton and covers
   
   319.15 - sugarcane
   
   319.19 - citrus canker and other citrus diseases
   
   319.24 - corn diseases
   
   319.28 - citrus fruit amendment
319.34 - bamboo
319.37 - nursery stock, plants and seeds
319.41 - Indian corn or maize, broomcorn and related plants
319.55 - rice
319.56 - fruits and vegetables
319.59 - flag smut
319.69 - packing materials
319.73 - coffee
319.74 - cut flowers

3. Part 321 of Title 7 of the Code of Federal Regulations - Restricted Entry Orders:
   321.1 - Foreign potatoes


D. Live animals and animal products

Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

1. 19 USCS 1306 - cattle, sheep, swine and meats; importation prohibited in certain cases.

2. Part 92 of Title 9 of the Code of Federal Regulations - importation of certain animals and poultry and certain animal and poultry products; inspection and other requirements for certain means of conveyance and shipping containers thereon.
E. Crude petroleum and petroleum products

Department of Energy.

1. 19 USC 1862 - safeguarding national security - prohibition on decrease or elimination of duties or other import restrictions, if such reduction or elimination would threaten to impair national security.

2. Proclamation 3279 - "Adjusting imports of petroleum and petroleum products into the United States".


5. Application for imports of petroleum products.

F. Natural Gas

1. 15 USC 717 b - exportation or importation of natural gas.

2. Part 153 of Title 18 of the Code of Federal Regulations - application for authorization to export or import natural gas.

G. Nuclear facilities and materials

Nuclear Regulatory Commission.

1. 42 USCS 2073 - domestic distribution of special nuclear material.


3. US nuclear regulatory commission, special nuclear material import license.

H. Endangered species


2. Part 17 of Title 50 of the Code of Federal Regulations - Subpart C - endangered wildlife
   Subpart D - threatened wildlife
   17.32 - permits - general

4. Fact sheets - department of interior, fish and wildlife service
   "A guide to endangered species regulations - convention on international trade in endangered species".
   "A guide to endangered species regulations - the endangered species act".
   "The African elephant: restrictions on imports and interstate commerce - the ivory trade".
   "The green loggerhead and Olive Ridley sea turtles".
   "Captive-bred wildlife"

5. "Convention permits and certificates" (Application suggestions) - department of interior, US fish and wildlife service, federal wildlife, permit office.

6. "Mammals listed in Appendices to the convention on international trade in endangered species of wild fauna and flora".

7. "Birds listed in Appendices to the convention on international trade in endangered species of wild fauna and flora".

8. "Plants listed in Appendices to the convention on international trade in endangered species of wild fauna and flora".

9. "Reptiles, amphibians, fishes, snails, clams, crustaceans, insects and sponges protected by the endangered species act".

10. "Mammals protected by the endangered species act".

11. "Birds protected by the endangered species act".

12. "Plants protected by the endangered species act".

I. Marine mammal protection

Department of Commerce, national oceanic and atmospheric administration, national marine fisheries service.


4. Fact sheet - "endangered or threatened sea turtles".


J. Wildlife

Department of interior department of treasury.

1. 18 USCS 42 - importation or shipment of injurious mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles; permits, specimens for museums; regulations.

2. Part 14 of Title 50 of the Code of Federal Regulations - import export and interstate transportation of wildlife.
   Subpart A - introduction
   Subpart B - importation at designated ports
   Subpart C - designated port exception permits
   Subpart D - foreign documentation.


6. "Migratory birds".

K. Arms, ammunition, explosives and implements of war

Department of the treasury - bureau of alcohol, tobacco, and firearms.

2. "Importation of arms, ammunition and implements of war (part 47 of Title 27, Code of Federal Regulations)" ATF-P-5330.1 (5-76).

3. Application and permit for importation of firearms, ammunition and implements of war - ATF Form 6 - Part 1 (7570.3A) (12-78).

4. Release and receipt of imported firearms, ammunition and implements of war - ATF form 6A (7570.3C) (12-78).

5. "Importation of firearms by non-licensed civilians" - ATF-P-7570.4 (4-74).


7. "Importation of firearms by non-residents of the United States" ATF-P-7570.6 (6-78).

8. "Disapproved importation of surplus military firearms" ATF-P-7570.3 (10-78).


10. "Importation of firearms previously taken out of the United States" ATF-P-7570.2 (9-79).

L. **Drugs, controlled substances**

   Department of Justice, drug enforcement administration.


M. **Viruses, serums, toxins, antitoxins and other biological products**

   Department of health and human services (formerly department of health, education and welfare) food and drug administration.

   1. 42 USCS 262 - regulation of biological products.
   Department of health and human services - public health service.

   71.156 etiological agents and vectors (with instructions).

4. Application for permit to import or transport agents or vectors of human disease - CDC 0.753 (formerly 13.39) (3-76).
   Department of Agriculture - animal and plant health services, veterinary services.

5. 21 USCS 151-157 - viruses, serums, antitoxins and analagous products.


7. Fact sheet -
   "APHIS Facts about shipping animal pathogens".


10. Application for United States veterinary biologics product permit - VS Form 14-5 (March 74).
2. **Public Notice**

Part 3 to the Appendix to the Tariff Schedules of the United States

3. **Notification**

3.1 COM.IND/W/55/Add.18-COM.AG/W/T2/Add.18, as amended by succeeding corrigenda and by Addenda 56/Rev.1, reads as follows: (English and French only)

**A. Licensing procedures in advance of importation are required for the following products:**

- Certain dairy products
- Sugar
- Petroleum
- Feathers of wild birds
- Crude opium

The licensing systems are used to administer quantitative restrictions. Detailed answers to the GATT questionnaire for these products follow.

**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 amounts of such domestic products processed. Import licensing is used in administering the quotas for most of these products.

**Purposes 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; milk chocolate crumb; 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 among 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.

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 licenses).

(b) Once established, the size of the annual quotas remains unchanged unless modified after full Section 22 review. Licences for most dairy products cover the entire year but are issued semi-annually, 1 January and 1 July. Licences for butter and dried milk are issued only annually on 1 January. Importers do not have to re-apply for licences on a six-monthly or quarterly basis.

(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 on a six-month licence issued in the first half of a yearly quota can be applied to the importers' second-half imports. A list of the names of licensed importers of dairy products is available 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) Licences are processed within a thirty-day period immediately preceding the opening date of the quota.

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

(h) If the demand for licences cannot be fully satisfied, the allocation of the quotas is proportionately divided among applicants who have established their eligibility. (See also reply to question 9.)

(i) Not applicable.

(j) Not applicable.

(k) Not applicable.
7. Not applicable.

8. Licence eligibility can be revoked by the Import Branch if the licensee fails to import against his allocation for two consecutive quota years. Licence shares can also be reduced if a licensee does not import at least 85 per cent of his allocation during two consecutive quota years. The licensee has the right to appeal in the event of refusal to grant licence eligibility or in the event of a reduction of the licensee's share. The right of appeal includes a hearing.

Eligibility of importers to apply for licence

9. Bona fide importers of the dairy products applied for are eligible for licences. Licence eligibility is established primarily on the basis of historical criteria. The licensee must submit satisfactory evidence of his imports of the commodity applied for during a specified base period preceding the establishment of such quota. The licensee will then be allocated a proportional share of the applicable quota based on his previous trade. Most quotas requiring import licensing have a specified percentage set aside for so-called non-historical licensees, who are new in the business or are unable to show imports during the specified base period. A non-historical licence applicant must establish that: (1) he is currently in the business of importing a similar dairy product; and (2) he is not affiliated with any other person or firm holding licences under the applicable regulations.

Documentational and other requirements for application of licence

10. An applicant must specify in his application the commodity for which he is applying, the country of origin and the port of entry, and must also establish that he is in the business of importing the general dairy product which is to be covered by the licence. All applications for import licences are in letter form.

11. At the time of the actual importation, a "Customs Copy" of the licence must be in the possession of the Port Director of Customs at the designated port of entry of the shipment.

12. No fees or deposit are charged for or associated with the issuance of licences.

Conditions of licensing

14. Licences for dairy products are valid from date of issue through 31 December of that year. Licence validity cannot be extended into the next quota year. Once licence eligibility is established, the licences for succeeding quota years are issued automatically upon continued use and without further application from the licensee.
15. See reply to question 8.

16. Licences are not transferable between importers.

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

Other procedural requirements

18. See comments below relating to certain health standards that must be met.

19. Not applicable.

Outline of system

1. Under the Sugar Act of 1948, as amended, quotas are imposed on domestic production and on imports of sugar. The Sugar Quota Clearance System is not a licensing system per se, but does require an importer to file an application prior to the arrival of each shipment of sugar in order to ensure that country quotas are not exceeded. The Sugar Act, as amended in 1971, also imposes a quota on confectionery imports. However, this is a global quota and no licences or prior applications are required.

Purposes and coverage of the licensing

2. The import application system covers sugar and liquid sugar.

3. The import application system applies to sugar imported from eligible countries specifically allotted quotas in the Sugar Act of 1948, as amended.

4. The import application system is an administrative tool by which quantitative restrictions are implemented. No alternative methods have been adopted because the import application system has proven to be a convenient and equitable means of maintaining historical market shares among supplying countries.

5. The Import Application System is maintained under regulations found in Title 7, Chapter VIII Sub-chapter E of the Code of Federal Regulations (CFR) pursuant to the Sugar Act of 1948, as amended. The import application system is not statutorily required, but the quotas which it implements are statutorily required.

Procedures

6. (a) All information with respect to allocation of quotas, the overall amount allocated to each country, and formalities of filing import applications can be found in 7 CFR Chapter VIII, Sub-chapter E, Parts 811 and 817 and in the Sugar Act of 1948 as amended. The Department of Agriculture also publishes a monthly sugar report. There is no maximum amount of sugar that an importer can import so long as the country quota is not exceeded.
(b) Sugar quotas are determined on a calendar-year basis.

(c) Any individual or firm can import sugar.

(d) Not applicable.

(e) An import application is processed within twenty-four hours of receipt.

(f) Not applicable.

(g) Only the Sugar Division of the Agricultural Stabilization and Conservation Service of the Department of Agriculture considers the import application.

(h) Applications to import quota sugar from a given country are approved until that country's quota is filled.

(i) Not applicable.

(j) Not applicable.

(k) Not applicable.

7. Not applicable.

8. An import application may be refused, if the applicant had furnished erroneous information in support of prior import applications. The applicant is given the reasons for the refusal of the application and may appeal the decision to the Secretary of Agriculture.

9. All persons, firms and institutions are eligible to apply for import permits. Prior registration of importers and registration fees are not required.

**Documentational and other requirements for application of licence**

10. The applicant must supply the following information on his application: port of arrival; port of departure; vessel or carrier; date of arrival; producing area; date of departure; name and address of person to receive sugar; identification type and purpose of the sugar; the quantities involved; certification that the sugar was processed from cane or beets grown in the country of origin; and the name and address of the authorized applicant and receiver. (Form attached)

11. A copy of the authorized import application forwarded by the Department of Agriculture to the Collector of Customs at the port of entry designated on the application is required for the release of the sugar.

12. There are no licensing fees or administrative charges.
13. On sugar that is imported under the country quotas there are no advance payment requirements.

Conditions of licensing

14. The authorized import application is valid for the time required for the transit and unloading of the specified shipment.

15. There is no penalty for non-utilization of the authorized import application.

16. Authorized import applications are not transferable.

17. With respect to sugar imported from the Philippines, a certification from the Philippine Sugar Quota Administrator must be submitted together with the import application.

Other procedural requirements

18. There are no other administrative procedures required prior to importation.

19. Not applicable.
Outline of systems

1. For national security reasons, imports of petroleum and petroleum products into the United States and Puerto Rico are subject to licensing. Imports within specified allocated levels are not subject to licensing fees. Imports above these levels are subject to fees. Annual allocations are to be gradually reduced and fees gradually increased until the fee system entirely replaces allocation procedures.

Purposes and coverage of the licensing

2. The licensing system covers the following products: crude and unfinished oils and certain finished products.

3. The licensing system applies to importation of petroleum and certain petroleum products from all countries.

4. The licensing system is a combination allocation and fee system which is intended to affect the value of imports. Other systems have been considered and deemed unsatisfactory.

5. The licensing system is not a statutory requirement. The authority to make such allocations is delegated to the Secretary of the Interior by Presidential Proclamation 3279, as amended. The requirement for import quotas for national security purposes is provided by statute in Section 2 of the Act of 1 July 1954, as amended by the Trade Agreements Extension Act of 1958.

Procedures

6. (a) Oil Import Regulations with respect to the allocation of imports and the formalities of filing applications for licences are published in 32A, Code of Federal Regulations, Chapter 8. The overall allocations and the allocations to each importer are published annually. Allocations are not made on a country of origin basis except for oil from Canada and Mexico.

(b) Oil import allocations to which licence fees are not applicable are determined on an annual basis. Licences generally correspond with the allocation period. Allocation and licences based upon payment of fee are for a six-month period and are issued upon request.

(c) Licences are issued for petroleum and petroleum products to refiners, petrochemical manufacturers, deep water terminal operators, and certain other persons under specific regulations. Generally, no action is taken by the Government to ensure that licences are actually used. Unused allocations usually are not added to a succeeding period. The Oil Import Administration will make available the lists of allocations and licence holders upon request.

Sample documents for petroleum licences are available in the GATT secretariat for reference.
(d) Applications for allocation for licences to which fees are not applicable must be filed at least sixty days prior to commencement of each allocation period; however, licences subject to fees require only ten days prior to issuance.

(e-f) Applications for licences not subject to fee are usually processed within a sixty-day period immediately following the receipt of applications. Fee licence applications are processed immediately and processing in no case takes longer than ten days.

(g) Only the Oil Import Administration is involved in consideration of applications for allocations and licences.

(h) Since there is no overall limit on imports, the demand for licences can be fully satisfied. There is no maximum amount allocated per applicant. New importers may apply for both fee-free and fee licences. Applications for licences not subject to fee are examined simultaneously. Fee applications are examined on receipt.

(i) Not applicable.

(j) Not applicable.

(k) Not applicable.

7. Not applicable.

8. Applications for licences are not refused except if the criteria contained in the regulations are not met. Reasons for refusal are given the applicant, who has a right of appeal to the Oil Import Appeals Board.

Eligibility of importers to apply for licence

9. Domestic refiners, petrochemical manufacturers, deep water terminal operators and certain other persons under specific regulations are eligible to receive fee-free licences. However, anyone may apply for a fee licence. There is no system of registration of importers.

Documentational and other requirements for application of licence

10. The applicant for a fee-free licence must certify in the application his eligibility for allocation based on either past or estimated refinery or petrochemical plant inputs; his controlling position in the firm and the fact that the application is the only one that he is filing for the specified product. For fee licences, the applicant need only state the product he wishes to import and amount and must enclose a check covering the applicable fee.

11. Only oil import licences are required for importation.
12. Imports above the quota allocation are subject to fees. The licensing fees vary by product and are to be gradually increased until the following fee schedule is reached in November 1975: 21 cents/barrel for crude oil and 63 cents/barrel for unfinished oils and finished products.

13. There is no deposit or advance payment requirement associated with the issuance of licences.

Conditions of licensing

14. Licences for imports under allocation are generally valid for one year, except the licence for one product which is only valid for six months. Fee licences are valid for six months. The validity of a licence may not be extended.

15. There is no penalty for non-utilization of licences to import, except in the case of allocations for new or rehabilitated processing facilities and in the case of crude and unfinished oils from Canada into the area east of the Rockies.

16. Licences are not transferable between importers.

17. There are no other conditions attached to the issuance of a licence.

Other procedural requirements

18. There are no other administrative procedures required prior to importation.

19. Not applicable.
Feathers of Wild Birds

Outline of system

1. The licensing system is used to administer quotas which are intended to reduce the killing of certain colourful birds in foreign countries while at the same time filling the commercial needs of the United States.

Purpose and coverage of the licensing

2. The licensing system covers the skins bearing feathers of the mandarin duck and certain species of pheasant.

3. The system applies to wild bird feathers coming from all countries.

4. The licensing system is not intended to limit the quantity of feathers per se, but is rather intended to protect the species from serious reduction or extinction.

5. The regulations under which the import licensing system is maintained can be found in 50 CFR, Part 15 pursuant to the Tariff Classification Act of 1962. The quotas and the licensing system are statutorily required and therefore legislative approval would be required to abolish the system.

Procedures

6. (a) Information concerning allocation of quotas, amount of quotas and formalities of filing application is published in 50 CFR, Part 14 and in the Tariff Classification Act of 1962.

   (b) The size of the quotas is established on a yearly basis. Unused portions of the quota are re-allocated during the last six months of the quota year. Importers must re-apply for re-allocation of the unused portion of annual import quotas.

   (c) Permits are allotted to importers who have proven that orders have been placed for the importing of their allocation. Allocations unused during the first half of the year are re-allocated during the second half of the quota year. Information relating to approved permits is made available to foreign governments or other interested parties upon request.

   (d) Applications are submitted in the period 1 September through 30 September for allocation to be effective in the following calendar year.

   (e-f) Licensing applications are processed between 30 September and two weeks before the opening of the quota year.
(g) The applications are considered by one administrative organ, the Bureau of Sport Fisheries and Wildlife of the Department of Interior.

(h) If the demand for licences cannot be fully satisfied, the quota is divided among importers upon the basis of their request. All applications are examined simultaneously.

(i) Not applicable.

(j) Not applicable.

(k) Not applicable.

7. Not applicable.

8. Licences are not refused except if the applicant does not meet the criteria established in the regulations. Reasons for refusal are given to applicant but no appeal procedures are provided.

Eligibility of importers to apply for licence

9. Any person, firm or institution may apply for licences to import.

Documentations and other requirements for application of licence

10. The letter of application for permit must contain the name and address of applicant; the nature of business and the purpose for which feathers are required; the port of entry; and the quantity of each species of bird feathers for which an importation permit is desired. Additional information may be required for the importation of feathers of certain species.

11. Only the import permit is required for importation.

12. There is a £10 fee for the import permit.

13. There is no advance deposit associated with the issuance of import permits.

Conditions of licensing

14. The import permit covering the calendar year quota allocations is issued as of 1 January and remains in effect through 30 June of the year of issue. Applications can be made from 1 July to 31 July for re-allocation of the unused portions of the quota allocations from the first half year. These import permits remain in effect through 31 December of the year of issue.

15. There is no penalty for non-utilization of the permit.

16. Import permits are not transferable among importers.
17. Except for certain species for which a specific purpose must be certified, there are no other conditions attached to the issuance of the permit.

Other procedural requirements

18. The importation of the wild bird feathers must also comply with applicable health, quarantine, customs or other State or Federal requirements. (See comments below.)

19. Not applicable.
Outline of the system

1. The import permit system administers quotas imposed to limit the quantity of crude opium imported into the United States to that amount needed to provide for the medical needs of the country.

Purpose and coverage of the licensing

2. Coca leaves, crude opium and certain other narcotic drugs are covered by the system.

3. The import permit system applies to narcotics originating in all countries enumerated in the Opium Protocol of 1953 and in the Single Convention of 1961.

4. The import permit system administers quotas designed to ensure that an adequate supply of narcotic drugs is available to meet only legitimate experimental and medical needs. No alternative methods have been adopted because it was believed that they would not be successful in attaining this purpose.

5. The import permit system is not a statutory requirement. The requirement for quotas is provided by statute in Section 306 of the Controlled Substances Act of 1970 (Public Law 91-513).

Procedures

6. (a) Information concerning the allocation of quotas and the formalities of filing applications for import permits is published in the Controlled Substances Act of 1970 and in the Regulations set forth in the Code of Federal Regulations published annually on 1 April of each year. Changes may be made, and they are published in the Federal Register periodically as they occur. The overall amount is published in the annual report of the International Narcotics Control Board of the United Nations and in the Federal Register, the amount allocated to each country or to each importer is not published.

   (b) The quotas are determined and allocations to registered importers are made on a yearly basis.

   (c) Import permits are issued to registered importers. Allocations are granted only to registered importers who can demonstrate a legitimate use for the imported narcotic. See question 8 for the steps taken to ensure that allocations are actually used for imports. Unused allocations are not added to subsequent quotas. The names of registered importers to whom allocations have been made are made known upon request.

   (d) Not applicable, because the announcement of the opening and of the total amount of the quota follows the submission of applications for quotas allotments.

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1Sample documents for application for permit to import opium or cocoa leaves are available in the GATT secretariat for reference.
(e-f) Allocations are processed within a sixty-day period (1 May to 1 July preceding the quota year) after the submission of the requests. The applications for import permits for specific shipments are generally processed within one day.

(g) The Drug Enforcement Administration of the Department of Justice is the only administrative agency that must pass on the application.

(h) In the event that the demand for allocations cannot be fully satisfied, the allocation of import quotas to individual importers is based on a formula that takes into consideration past performances and stock on hand and the total inventory of controlled substances in the United States at that time. There is no maximum allocation per applicant. A certain amount is set aside for those persons who had not previously imported the crude narcotics. All applications are examined simultaneously.

(i) Not applicable.

(j) Not applicable.

(k) Not applicable.

7. Not applicable.

8. A registered importer can be refused an allocation if he cannot demonstrate a legitimate use for the narcotic. An import permit can be refused if the importer has exceeded his allocation. The reasons for refusal of both an allocation and the import permit are given to the applicant whose right to appeal includes a hearing before the Administrator of the Drug Enforcement Administration.

Eligibility of importers to apply for licence

9. Only registered importers are eligible to apply for an allocation of the import quota. All persons, firms or institutions with a legitimate need for the crude narcotic can be registered as importers. A $25 fee must accompany the registration application. A list of the authorized importers is published in the Federal Register.

Documentational and other requirements for application of licence

10. The applicant is required to give the following information on the application for an import permit: date of execution; name and description of substance; net quantity desired to be imported; morphine content of opium; number and size of packages or containers; name, address, and business of foreign consigner; port of export and port of entry into United States; latest date shipment will leave port of export; stock of opium on hand; name of importing carrier or vessel; total tentative allotment for current calendar year; and total kilogrammes of allotment for which permits have previously been issued and the total quantity of opium actually imported during the current year to date.

11. The customs official at the port of entry must have a copy of the import permit at the time of the specific shipment.
12. No fee is charged at the time of the application for the import permit.
13. There is no advance deposit associated with the issuance of import permits.

Conditions of licensing
14. An import permit is valid for the shipment for which it was granted.
15. There is no penalty for non-utilisation of the import permit.
16. Import permits are not transferable between importers.
17. There are no other conditions attached to the issuance of an import permit.

Other procedural requirements
18. There are no other administrative procedures prior to importation.
19. Not applicable.

B. Although import permits are required for certain products, these permits do not appear to be relevant to the purpose of the questionnaire. These products and the reasons for requiring permits are listed below.

Health and safety
- Etiological agents and vectors
- Honeybees
- Live insects and organisms
- Live migratory birds
- Organisms, infectious to animals and their vectors, for research
- Plants and plant products
- Psittacine birds for medical research and zoological parks
- Viruses, serums, toxins, anti-toxins and analogous products for use in the treatment of man but made with material of animal origin other than human
- Viruses, serums, toxins, organisms or vectors for use in treatment of animals

National security
- Items subject to foreign assets control
- Special nuclear material
- Utilization or production facilities for the separation of the isotopes of uranium or plutonium (i.e. nuclear reactors, irradiated fuel reprocessing plants, etc).
Conservation

Wildlife of endangered species including products or parts

C. Although import permits are not required, the importers or exporters of the following products must be registered or certified by an agency of the United States Government:

Health and safety

- Alcoholic beverages
- Antibiotic drugs and insulin
- Arms and ammunition
- Explosives
- Live ruminants, swine, poultry and animal semen
- Live wildlife, fish, birds, amphibians, reptiles, molluscs and crustaceans
- New motor vehicles

National security

- Gold for industrial purposes
- Source and by-product radioactive materials

D. Although neither import permits nor advance registration or certification of the importer or exporter are required, certification must be presented at the time of entry that the following products meet United States regulations with respect to:

Customs procedures

- Certain commodities that fall within the classes of merchandise listed in Section 3:13(h) of the Customs Regulations pursuant to Section 431(a) of the Tariff Act of 1930
- Tobacco articles

Health and safety standards

- Biologic products
- Cats, dogs, monkeys
- Economic poisons and devices
- Fish and eggs of salmonids
- Lather brushes from animal hair
- Matches
- Meat and meat food products
- "New" and "Old" drugs
- New motor vehicles
- Psittacine birds for commercial purposes

Public morals

- Films
- Pornographic material
Marketing and grading standards

Certain agricultural products subject to marketing orders

Tea

Conservation

Fur seal and other skins
Game mammals and fishery products from Mexico
Marine mammals or marine mammal products

Trademark and copyright laws

Trademarked and copyrighted items

E. The United States, pursuant to international obligations, requires export documentation at the port of entry on imports of cotton textiles and wool and man-made fibre textiles.

F. Importers or exporters of the following products must be certified by an agency of the United States Government and in addition, an import declaration must be filed at the time of importation that the product is in conformity with United States requirements, is exempt from the requirements, or will be brought into conformity: Passenger cars and light trucks beginning with 1963 model year and heavy duty engines beginning with 1970 model year (emission standards). Electronic products (radiation standards for microwave ovens, x-ray apparatus, television receivers).

Supplementary information submitted in Addendum 56/Rev.1

No licensing system is maintained for any product under voluntary restraint.

Certain products such as wheat, cotton and peanuts, while subject to quantitative restrictions, are not subject to licensing. This arises because there is relatively little demand for these imports since United States prices are at or very near world prices. It has not been found necessary to introduce a licensing system which would require complicated administrative procedures. The United States has very accurate methods of securing information regarding imports. It is possible to assess, on a daily basis, the value of imports which come into all United States ports.

The TSUS numbers of the products subject to quantitative restrictions have been made available to the Joint Working Group.
Petroleum

3. For national security reasons import quotas are imposed on imports of petroleum and petroleum products into the United States and Puerto Rico. The licensing system used to administer the quota system applies to imports of such products from all countries. It has not been found necessary to impose restrictions on certain imports from countries which have an overland route into the United States. Exempted from quota and licensing are imports from Canada of crude oils imported into District V (Alaska, Hawaii, and west of the Rockies), natural gas liquids and finished products, and limited quantities of crude and unfinished oils from Mexico. Imports of ethane, propane, and butanes from the Western Hemisphere are also exempt.

4. As regards alternative methods, the tariff on petroleum imports is not adequate to accomplish the purpose. For this reason, the import quotas have been instituted. The United States has considered other methods to accomplish this purpose but has not found them satisfactory.

5. The President has discretion under the national security provisions of the Trade Expansion Act to determine the products, and the volume of the products, that may be imported. Changes can be made in the system without any reference to the Congress.
**APPLICATION**

**FOR SPECIFIC AUTHORIZATION BY THE SECRETARY REQUIRED FOR RELEASE**

Submit SU-3a, 3b and 3c (3 copies) to:

(Please do not remove the carbons)

**TO BE COMPLETED BY APPLICANT**

<table>
<thead>
<tr>
<th>Port of Arrival</th>
<th>Port of Departure</th>
<th>Vessel or Carrier</th>
<th>Date of Arrival</th>
<th>Producing Area</th>
<th>Date of Departure</th>
</tr>
</thead>
</table>

Name and address of person to receive sugar

**IDENTIFICATION**

<table>
<thead>
<tr>
<th>Unit Per</th>
<th>Type and Purpose</th>
<th>Quantities</th>
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<td></td>
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<td>Lbs, crystalline or gals, liquid</td>
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**(A)**

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<th>(C)</th>
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</tr>
</thead>
</table>

Name and address of authorized applicant (817.7 (b))

By (Signature)

**FOR USDA USE**

Authorized for release on or before ________ if carrier departed identified port of departure by ________

HEAD, SUGAR QUOTA GROUP

Date

Authorization No.

BOND NO.
3.2 LIC/1/Add.1 reads as follows:

I am writing to you with regard to Article 5:4(b) of the Agreement on Import Licensing Procedures. As you know, Article 5:4(b) requires each party to the Agreement to inform the Committee on Import Licensing of any changes in its laws and regulations relevant to the Agreement and in the administration of such laws and regulations.

When signing the Agreement, the United States did not have to change any of its legislation to be in compliance with the Agreement. Therefore, the United States has nothing to report to the Committee on this matter at this time.

I would also like to note that we are compiling a list of United States Government publications which set forth the information required by Article 1(4) of the Agreement. As soon as we have compiled this list, we will make copies of these publications available to the GATT Secretariat as is also set forth in Article 1(4).