

determination or returning them to the bureau for further development.

8. *Timetable for and Duration of Determinations.* An employee may be provided with home-to-work transportation only after a determination has been executed by the Secretary. Bureaus shall request determinations and renewals as follows.

a. Initial proposed determinations based on field work, Intelligence, Counterintelligence, Protective Services, Criminal Law Enforcement, or contingencies shall be submitted within 90 days after issuance of this Directive.

b. The duration of determinations authorized under paragraph 5.a is two years and for determinations authorized under paragraph 5.b it is five years. Requests for renewals shall be submitted to ORPPM no later than 60 days prior to expiration of these determinations. Requests for renewals shall be routed according to paragraph 7.b above.

c. Bureaus may submit supplemental requests for additional determinations for field work, Intelligence, Counterintelligence, Protective Services or Criminal Law Enforcement as required. Bureaus are urged to restrict the frequency of such requests.

d. Requests for emergency, clear and present danger, and compelling operational consideration determinations may be submitted at any time.

e. A determination based on clear and present danger, an emergency, or a compelling operational consideration, shall not exceed 15 calendar days in duration. (The duration of a contingency determination begins with the first day of usage and expires 15 calendar days from that date, after which a new contingency determination must be requested.) Should the circumstances justifying home-to-work transportation continue, subsequent determinations of not more than 90 additional calendar days each may be approved by the Secretary. If, at the end of the subsequent determination, the underlying circumstances continue to exist, the Secretary may authorize an additional extension of 90 calendar days. This process may continue as long as required by the circumstances. If a bureau seeks such an extension, it shall use the format provided by ORPPM.

9. *Tax Matters.* The provision of home-to-work transportation, and/or parking provided for an official vehicle used for this purpose, to an employee may result in the attribution of "fringe benefit income" to the employee. See 26 U.S.C. 61 and 132(f), 26 CFR 1.61-21, 26 CFR 1.132-5, IRS Notice 94-3, and IRS Publication No. 535. Bureaus must

apply the cited provisions to determine if fringe benefit income is to be reported and how it is to be computed. Bureaus are responsible for keeping necessary records, reporting such income on W-2 forms, and performing any required withholding of taxes. Employees are liable for any taxes incurred.

10. *Responsibilities.*

a. *The Director, Office of Real and Personal Property Management,* shall prepare all notifications to Congress required by 31 U.S.C. 1344 for signature by the Assistant Secretary Management and Chief Financial Officer; and

b. *The Deputy Chief Financial Officer* shall include in the Accounting Principles and Standards Manual the requirements for reporting on W-2 forms any fringe benefit income attributable to home-to-work transportation.

c. *The Director, Administrative Operations Division,* DO, shall prepare a notification to Congress whenever the Secretary makes a designation authorizing a single principal deputy to receive home-to-work transportation. A change in the individual designated as a single principal deputy requires a notification. The notification shall be submitted to ORPPM for processing.

d. *Bureau Heads* shall determine which employees may be eligible to use home-to-work transportation and submit requests for determinations and renewals according to paragraph 7., and shall:

(1) Where authorizations have been made by position or by classification series, maintain records that identify the individual employees who are authorized home-to-work transportation;

(2) Develop procedures and financial reporting systems for employees utilizing home-to-work transportation to comply with tax laws and regulations, and prepare any required W-2 forms; and

(3) Fulfill labor relations responsibilities.

11. *Record Keeping Requirements.* The Department is required by law to maintain logs or other records to establish the official purpose of home-to-work transportation. Bureaus shall maintain daily mileage logs and other records necessary to establish that home-to-work transportation was used for official purposes. The logs shall contain the name and title of the employee (or other identification, if confidential), who is assigned the passenger vehicle; the name and title of the person authorizing the use; the passenger carrier identification; and the date(s) of assignment. Beyond that, the logs shall record all usage of the

passenger carrier outside of the normal scheduled tour of duty hours of the individual to whom the carrier was assigned. The logs and other records shall be accessible for audit, except where on-going criminal investigations could be compromised.

Record keeping for home-to-work transportation authorized under paragraphs 5.a, 5.c, 5.d or 5.e shall be established and maintained in accordance with the requirements of 41 CFR 101-6.403. See also paragraph 9 for tax-related record keeping requirements.

12. *Authorities.*

a. 31 U.S.C. 1344.

b. 41 CFR part 101-6.4.

c. 26 U.S.C. 61 and 132(f).

d. 26 CFR. 1.61-21; 26 CFR 1.132-5.

13. *No Private Rights Created.* This Directive is for the internal management of the Department and does not create any right or benefit, substantive or procedural, enforceable by an employee or any other party against the Department.

14. *Expiration Date.* This Directive shall expire three years from the date of issuance unless superseded or canceled prior to that date.

15. *Office of Primary Interest.* Office of Real and Personal Property Management, Office of the Deputy Assistant Secretary (Management Operations), Office of the Assistant Secretary (Management) and Chief Financial Officer.

Nancy Killefer,

Assistant Secretary Management and Chief Financial Officer.

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DEPARTMENT OF THE TREASURY

Customs Service

List of Foreign Entities Violating Textile Transshipment and Country of Origin Rules

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

ACTION: General notice.

SUMMARY: This document notifies the public of foreign entities which have been issued a penalty claim under section 592 of the Tariff Act, for certain violations of the customs laws. This list is authorized to be published by section 333 of the Uruguay Round Agreements Act.

FOR FURTHER INFORMATION CONTACT: For information regarding any of the operational aspects, contact Scott Greenberg, National Seizures and Penalties Officer, Seizures and Penalties

Division, at 415-782-9442. For information regarding any of the legal aspects, contact Ellen McClain, Office of Chief Counsel, at 202-927-6900.

SUPPLEMENTARY INFORMATION:

Background

Section 333 of the Uruguay Round Agreements Act (URAA) (Pub. L. 103-465, 108 Stat. 4809) (signed December 8, 1994), entitled Textile Transshipments, amended Part V of title IV of the Tariff Act of 1930 by creating a section 592A (19 U.S.C. 1592A), which authorizes the Secretary of the Treasury to publish in the **Federal Register**, on a biannual basis, a list of the names of any producers, manufacturers, suppliers, sellers, exporters, or other persons located outside the Customs territory of the United States, when these entities and/or persons have been issued a penalty claim under section 592 of the Tariff Act, for certain violations of the customs laws, provided that certain conditions are satisfied.

The violations of the customs laws referred to above are the following: (1) Using documentation, or providing documentation subsequently used by the importer of record, which indicates a false or fraudulent country of origin or source of textile or apparel products; (2) Using counterfeit visas, licenses, permits, bills of lading, or similar documentation, or providing counterfeit visas, licenses, permits, bills of lading, or similar documentation that is subsequently used by the importer of record, with respect to the entry into the Customs territory of the United States of textile or apparel products; (3) Manufacturing, producing, supplying, or selling textile or apparel products which are falsely or fraudulently labeled as to country of origin or source; and (4) Engaging in practices which aid or abet the transshipment, through a country other than the country of origin, of textile or apparel products in a manner which conceals the true origin of the textile or apparel products or permits the evasion of quotas on, or voluntary restraint agreements with respect to, imports of textile or apparel products.

If a penalty claim has been issued with respect to any of the above violations, and no petition in response to the claim has been filed, the name of the party to whom the penalty claim was issued will appear on the list. If a petition, supplemental petition or second supplemental petition for relief from the penalty claim is submitted under 19 U.S.C. 1618, in accord with the time periods established by §§ 171.32 and 171.33, Customs Regulations (19 CFR 171.32, 171.33) and the petition is subsequently denied or

the penalty is mitigated, and no further petition, if allowed, is received within 30 days of the denial or allowance of mitigation, then the administrative action shall be deemed to be final and administrative remedies will be deemed to be exhausted. Consequently, the name of the party to whom the penalty claim was issued will appear on the list. However, provision is made for an appeal to the Secretary of the Treasury by the person named on the list, for the removal of its name from the list. If the Secretary finds that such person or entity has not committed any of the enumerated violations for a period of not less than 3 years after the date on which the person or entity's name was published, the name will be removed from the list as of the next publication of the list.

Reasonable Care Required

Section 592A also requires any importer of record entering, introducing, or attempting to introduce into the commerce of the United States textile or apparel products that were either directly or indirectly produced, manufactured, supplied, sold, exported, or transported by such named person to show, to the satisfaction of the Secretary, that such importer has exercised reasonable care to ensure that the textile or apparel products are accompanied by documentation, packaging, and labeling that are accurate as to its origin. Reliance solely upon information regarding the imported product from a person named on the list is clearly not the exercise of reasonable care. Thus, the textile and apparel importers who have some commercial relationship with one or more of the listed parties must exercise a degree of reasonable care in ensuring that the documentation covering the imported merchandise, as well as its packaging and labeling, is accurate as to the country of origin of the merchandise. This degree of reasonable care must rely on more than information supplied by the named party.

In meeting the reasonable care standard when importing textile or apparel products and when dealing with a party named on the list published pursuant to section 592A of the Tariff Act of 1930, an importer should consider the following questions in attempting to ensure that the documentation, packaging, and labeling is accurate as to the country of origin of the imported merchandise. The list of questions is not exhaustive but is illustrative.

(1) Has the importer had a prior relationship with the named party?

(2) Has the importer had any detentions and/or seizures of textile or apparel products that were directly or indirectly produced, supplied, or transported by the named party?

(3) Has the importer visited the company's premises and ascertained that the company has the capacity to produce the merchandise?

(4) Where a claim of an origin conferring process is made in accordance with 19 CFR 102.21, has the importer ascertained that the named party actually performed the required process?

(5) Is the named party operating from the same country as is represented by that party on the documentation, packaging or labeling?

(6) Have quotas for the imported merchandise closed or are they nearing closing from the main producer countries for this commodity?

(7) What is the history of this country regarding this commodity?

(8) Have you asked questions of your supplier regarding the origin of the product?

(9) Where the importation is accompanied by a visa, permit, or license, has the importer verified with the supplier or manufacturer that the visa, permit, and/or license is both valid and accurate as to its origin? Has the importer scrutinized the visa, permit or license as to any irregularities that would call its authenticity into question?

The law authorizes a biannual publication of the names of the foreign entities and/or persons. On March 17, 1998, Customs published a Notice in the **Federal Register** (63 FR 13097) which identified 19 (nineteen) entities which fell within the purview of section 592A of the Tariff Act of 1930.

592A List

For the period ending September 30, 1998, Customs has identified 26 (twenty-six) foreign entities that fall within the purview of section 592A of the Tariff Act of 1930. This list reflects the addition of 9 new entities and 2 removals to the 19 entities named on the list published on March 17, 1998. The parties on the current list were assessed a penalty claim under 19 U.S.C. 1592, for one or more of the four above-described violations. The administrative penalty action was concluded against the parties by one of the actions noted above as having terminated the administrative process.

The names and addresses of the 26 foreign parties which have been assessed penalties by Customs for violations of section 592 are listed below pursuant to section 592A. This

list supersedes any previously published list. The names and addresses of the 26 foreign parties are as follows (the parenthesis following the listing sets forth the month and year in which the name of the company was first published in the **Federal Register**):

Azmat Bangladesh, Plot Number 22-23, Sector 2 EPZ, Chittagong 4233, Bangladesh. (9/96)

Bestraight Limited, Room 5K, World Tech Centre, 95 How Ming Street, Kwun Tong, Kowloon, Hong Kong. (3/96)

Cupid Fashion Manufacturing Ltd., 17/F Block B, Wongs Factory Building, 368-370 Sha Tsui Road, Tsuen Wan, Hong Kong. (9/97)

Excelsior Industrial Company, 311-313 Nathan Road, Room 1, 15th Floor, Kowloon, Hong Kong. (9/98)

Eun Sung Guatemala, S.A., 13 Calle 3-62 Zona Colonia Landivar, Guatemala City, Guatemala. (3/98)

Glory Growth Trading Company, No. 6 Ping Street, Flat 7-10, Block A, 21st Floor, New Trade Plaza, Shatin, New Territories, Hong Kong. (9/98)

Great Southern International Limited, Flat A, 13th floor, Foo Cheong Building, 82-86 Wing Lok Street, Central, Hong Kong. (9/98)

Hanin Garment Factory, 31 Tai Yau Street, Kowloon, Hong Kong. (3/96)

Hip Hing Thread Company, No. 10, 6/F Building A, 221 Texaco Road, Waikai Industrial Center, Tsuen Wan, N.T., Hong Kong. (3/96)

Hyattex Industrial Company, 3F, No. 207-4 Hsin Shu Road, Hsin Chuang City, Taipei Hsien, Taiwan. (9/96)

Jentex Industrial, 7-1 Fl., No. 246, Chang An E. Rd., Sec. 2, Taipei, Taiwan. (3/97)

Jiangxi Garments Import and Export Corp., Foreign Trade Building, 60 Zhangqian Road, Nanchang, China. (3/98)

Liabie Trading Company, 1103 Kai Tak Commercial Building, 62-72 Stanley Street, Kowloon, Hong Kong. (9/98)

Li Xing Garment Company Limited, 2/F Long Guang Building, Number 2 Manufacturing District, Sanxiang Town, Zhongshan, Guangdong, China. (9/96)

McKowan Lowe & Company Limited, 1001-1012 Hope Sea Industrial Centre, 26 Lam Hing Street, Kowloon Bay, Kowloon, Hong Kong. (9/98)

Meigao Jamaica Company Limited, 134 Pineapple Ave., Kingston, Jamaica. (9/96)

Meiya Garment Manufacturers Limited, No. 2 Building, 3/F, Shantou Special Economic Zone, Shantou, China. (9/96)

Poshak International, H-83 South Extension, Part-I (Back Side), New Delhi, India. (3/96)

Rex Industries Limited, VIP Commercial Center, 116-120 Canton Road, 11th Floor, Tsimshatsui, Kowloon, Hong Kong. (9/98)

Sannies Garment Factory, 35-41 Tai Lin Pai road, Gold King Industrial Building, Flat A & B, 2nd Floor, Kwai Chung, New Territories, Hong Kong. (9/98)

Shing Fat Gloves & Rainwear, 2 Tai Lee Street, 1-2 Floor, Yuen Long, New Territories, Hong Kong. (9/98)

Sun Kong Glove Factory, 188 San Wan Road, Units 32-35, 3rd Floor, Block B, Sheung Shui, New Territories, Hong Kong. (9/98)

Sun Weaving Mill Ltd., Lee Sum Factory Building, Block 1 & 2, 23 Sze Mei Street, Sanpokong, Bk 1/2, Kowloon, Hong Kong. (9/97)

Takhi Corporation, Huvsgalchdyn Avenue, Ulaanbaatar 11, Mongolia. (3/98)

Topstyle Limited, 6/F, South Block, Kwai Shun Industrial Center, 51-63 Container Port Road, Kwai Chung, New Territories, Hong Kong. (9/96)

Yunnan Provincial Textiles Import & Export, 576 Beijing Road Kunming, Yun Nan, China. (3/96)

Any of the above parties may petition to have its name removed from the list. Such petitions, to include any documentation that the petitioner deems pertinent to the petition, should be forwarded to the Assistant Commissioner, Office of Field Operations, United States Customs Service, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

Additional Foreign Entities

In the March 17, 1998, **Federal Register** notice, Customs also solicited information regarding the whereabouts of 54 foreign entities, which were identified by name and known address, concerning alleged violations of section 592. Persons with knowledge of the whereabouts of those 54 entities were requested to contact the Assistant Commissioner, Office of Field Operations, United States Customs Service, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

In this document, a new list is being published which contains the names and last known addresses of 29 entities. This reflects the addition of six new entities to the list and a removal of 31 entities from the list.

Customs is soliciting information regarding the whereabouts of the following 29 foreign entities concerning alleged violations of section 592. Their names and last known addresses are listed below (the parenthesis following the listing sets forth the month and year in which the name of the company was first published in the **Federal Register**):

Balmar Export Pte. Ltd., No. 7 Kampong Kayu Road, Singapore, 1543. (3/98)

Envestisman Sanayi A.S., Buyukdere Cad 47, Tek Is Merkezi, Istanbul, Turkey. (9/97)

Essence Garment Making Factory, Splendid Centre, 100 Larch Street, Flat D, 5th Floor, Taikoktsui, Kowloon, Hong Kong. (3/98)

Fabrica de Artigos de Vest. Dynasty, Lda., Avenida do Almirante Magalhaes Correia, Edificio Industrial Keck Seng, Block III, 4th Floor "UV", Macau. (3/98)

Fabrica de Artigos de Vestuario Lei Kou, 45 Estrada Marginal de Areia Preta, Edif.Ind.Centro Polytex, 6th Floor, D, Macau. (9/98)

Fabrica de Vestuario Wing Tai, 45 Estrada Marginal Da Areia Preta, Edif. Centro Poltex, 3/E, Macau. (3/98)

Galaxy Gloves Factory, Annking Industrial Building, Wang Yip East Street Room A, 2/F, Lot 357, Yuen Long Industrial Estate, Yuen Long, New Territories, Hong Kong. (3/98)

Golden Perfect Garment Factory, Wong's Industrial Building, 33 Hung To Road, 3rd Floor, Kwun Tong, Kowloon, Hong Kong. (9/98)

Grey Rose Maldives, Phoenix Villa, Majeedee Magu, Male, Republic of Maldives. (3/98)

K & J Enterprises, Witty Commercial Building, 1A-1L Tung Choi Street, Room 1912F, Mong Kok, Kowloon, Hong Kong. (9/98)

Konivon Development Corp., Shun Tak Center, 200 Connaught Road, No. 3204, Hong Kong. (3/98)

Kwuk Yuk Garment Factory, Kwong Industrial Building, 39-41 Beech St., Flat A, 11th Floor, Tai Kok Tsui, Kowloon, Hong Kong. (3/98)

Land Global Ltd., Block c, 14/F, Y.P. Fat Building, Phase 1, 77 Hoi Yuen Road, Kowloon, Hong Kong. (9/97)

Leader Glove Factory, Tai Ping Industrial Centre, 57, Ting Kok Road, 25/F, Block 1, Flat A, Tai Po, New Territories, Hong Kong. (3/98)

Lins Fashions S.A., Lot 111, San Pedro de Macoris, Dominican Republic. (9/96)

New Leo Garment Factory Ltd, Galaxy Factory Building, 25-27 Luk Hop Street, Unit B, 18th Floor, San Po Kong, Kowloon, Hong Kong. (9/98)

Patenter Trading Company, Block C. 14/F, Yip Fat Industrial Building, Phase 1, 77 Hoi Yuen Road, Kowloon, Hong Kong. (9/97)

Penta-5 Holding (HK) Ltd., Metro Center II, 21 Lam Hing Street, Room 1907, Kowloon Bay, Kowloon, Hong Kong. (9/98)

Round Ford Investments, 37-39 Ma Tau Wai Road, 13/F Tower B, Kowloon, Hong Kong. (9/97)

Shanghai Yang Yuan Garment Factory, 2 Zhaogao Road, Chuanshin, Shanghai, China. (9/97)

Silver Pacific Enterprises Ltd., Shun Tak Center, 200 Connaught Road, No. 3204, Hong Kong. (3/98)

Tat Hing Garment Factory, Tat Cheong Industrial Building, 3 Wing Ming Street, Block C, 13/F, Lai Chi Kok, Kowloon, Hong Kong. (3/98)

Tientak Glove Factory Limited, 1 Ting Kok Road, Block A, 26/F, Tai Po, New Territories, Hong Kong. (3/98)

United Textile and Weaving, PO Box 40355, Sharjah, United Arab Emirates. (3/97)

Wealthy Dart, Wing Ka Industrial Building, 87 Larch Street, 7th Floor, Kowloon, Hong Kong. (3/98)

Wilson Industrial Company, Yip Fat Factory Building, 77 Hoi Yuen Road, Room B, 3/F, Kwun Yung, Kowloon, Hong Kong. (3/98)

Wing Lung Manufactory, Hing Wah Industrial Building, Units 2, 5-8, 4th Floor YLTL 373, Yuen Long, New Territories, Hong Kong. (9/98)

Yogay Fashion Garment Factory Ltd, Lee Wan Industrial Building, 5 Luk Hop Street, San Po Kong, Kowloon, Hong Kong. (3/98)

Zuun Mod Garment Factory Ltd., Tuv Aimag, Mongolia. (9/97)

If you have any information as to a correct mailing address for any of the above 29 firms, please send that information to the Assistant

Commissioner, Office of Field Operations, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

Dated: September 29, 1998.

Robert S. Trotter,

Assistant Commissioner, Office of Field Operations.

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