

May 14, 1998; and Boeing Alert Service Bulletin 747-28A2210, dated May 14, 1998; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on May 11, 1999.

Issued in Renton, Washington, on March 29, 1999.

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*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
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## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Part 178 and 192

[T.D. 99-34]

RIN 1515-AC19

#### Exportation of Used Motor Vehicles

**AGENCY:** Customs Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Customs Regulations to implement title IV of the Anti Car Theft Act of 1992, which concerns the exportation of used self-propelled vehicles. The amendments concern the nature of the documentation that establishes ownership of a vehicle bound for export and the presentment of that documentation to Customs. The document also clarifies procedures to enable Customs to more efficiently and effectively deter the export of stolen vehicles.

**EFFECTIVE DATE:** May 6, 1999.

**FOR FURTHER INFORMATION CONTACT:** Hugh Austin, Outbound Programs, Office of Field Operations, (202) 927-3735.

#### SUPPLEMENTARY INFORMATION:

##### Background

Regulations implementing current export control requirements applicable to used self-propelled vehicles, vessels, and aircraft are found at part 192 of the Customs Regulations (19 CFR part 192). Since 1989, these regulations have, in general, required persons or entities seeking to export used self-propelled vehicles to present both the vehicle and

documentation, which includes the Vehicle Identification Number (VIN) or other product identification number, to Customs at least three days prior to shipment; Customs then checks the VIN against the databases of the National Crime Information Center (NCIC) to see if the vehicle has been reported stolen.

To strike back against auto thieves and carjackers, on October 25, 1992, the President signed the Anti Car Theft Act of 1992 (the Act) (Pub. L. 102-519, 106 Stat. 3384) in the hope that the legislation would reduce the level of auto thefts and carjackings—a major crime problem costing American car owners billions of dollars each year. See, H.R. 4542, 102th Cong., 2d Sess. (1992), reprinted in (1992) 5 U.S.C.C.&A.N. 2829. Title IV of the Act contains provisions pertaining to the export of stolen automobiles. Section 401 of title IV contains two provisions intended to tighten Customs enforcement against stolen car exporters. Section 401 amends Part VI of Title IV of the Tariff Act of 1930 by adding: new section 646A (19 U.S.C. 1646b), which directs Customs to conduct random checks of automobiles and containers to ensure that reported VIN information matches the VINs on vehicles being exported; and new section 646B (19 U.S.C. 1646c), which codifies Customs export reporting requirements, and directs Customs to check selected VINs against the information contained at the NCIC.

To implement section 401 of the Act and address certain other procedural problems present in the exportation of used motor vehicles pertaining to the authenticity of documentation presented to Customs to establish ownership of the vehicle to be exported, on October 28, 1997, Customs published a Notice of Proposed Rulemaking in the **Federal Register** (62 FR 55764) to amend the Customs Regulations at § 192.2, Customs Regulations (19 CFR 192.2), which pertains to the requirements for exporting such vehicles. The amendment proposed to revise the documentation requirements contained in paragraph (b) to better ensure that the documentation reflects ownership of the vehicle; the documentation presentment requirement contained in paragraph (c) to clarify the three-day rule; and the authentication requirement of paragraph (d) to make it conform with the above changes. The proposed amendment also added a new paragraph (e) to give port directors the authority to establish when and where the original documentation for the vehicle for export may be presented and where and when the vehicle may be inspected at their ports.

The authority citation for part 192 would also be revised to add the statutory citation for the Act discussed (19 U.S.C. 1646c).

The comment period closed on December 29, 1997. Forty-four comments were received. The comments and Customs responses to them follow.

#### Discussion of Comments

Of the comments received, nine (9) supported the proposed changes and thirty-five (35) either opposed or suggested revisions to the proposed changes. Collectively, these comments concern four major areas.

1. *The requirement to present the original Certificate of Title or a certified copy of the original title issued by a government authority for export of the vehicle presented.*

*Comment:* The majority of comments received argued that Customs should continue to accept notarized copies of title documents as sufficient proof of ownership of used vehicles intended to be exported, rather than adopt a requirement that only an original or a certified copy of the vehicle title issued by a government authority establishes ownership. These commenters stated that this new documentary requirement will slow the business of exporting used vehicles because of the added costs and time required to obtain these documents from sole-source state-issuing authorities. Accordingly, these commenters propose that Customs not institute the more stringent documentary requirement.

*Customs Response:* Customs disagrees with the contention that notarized copies of an original title are sufficient to prove ownership of vehicles intended to be exported. Customs needs to be sure that the export of the vehicle presented is authorized by the true owner(s) of the vehicle. In light of the mandate contained in the Anti Car Theft Act of 1992 that Customs tighten enforcement against stolen car exporters, it is Customs position that the only documents which establish verifiable ownership are the original Certificate of Title or a certified copy issued by a government authority.

Original Certificates of Title contain security features designed to defeat fraud, counterfeiting, modifications, etc. Copies of original titles certified by the government-issuing authority also protect against fraud. The fact that these documents are issued by a single government agency in each jurisdiction registering motor vehicles adds to the trustworthiness of these documents.

Concerning notaries certifying "copies" of original documents as

representing the "original" document, Customs understands the function of the majority of such acts as merely bearing witness/attesting to the placement of an original signature on a document, rather than certifying as to the authenticity of copies of original documents as "original" documents. (Indeed, some states expressly provide in their notary public application procedures that notaries do not have the power to certify the authenticity of any document, official or unofficial!) Accordingly, Customs can no longer accept such documents as meeting the requirement of establishing verifiable ownership with an intent to export the vehicle presented. Customs does not know of any document other than an original title for a vehicle or certified copy of the title issued by a government authority that possesses the same level of trustworthiness to aid Customs in the prevention of exporting stolen vehicles.

Accordingly, the more stringent documentary requirement proposed will not be modified. However, because the comments received regarding the documentary requirements admit to some confusion concerning the words "certified copy" and "copy" of documents, definitions for these terms are added to § 192.1 to clarify their meaning in the regulations. A "certified" copy of an original title document is defined to mean "a document issued by a government authority that serves in place of the original Certificate of Title." It is felt that this definition provides the same trustworthiness factors discussed above for the original title. Where the word "copy" is used, Customs means a duplicate or photocopy of the original document. However, such a copy must be a true and complete copy, which means that a photocopy of the backside of the original document must also be presented where there is any writing on the backside of the original document (see discussion below regarding assignment). To reflect the requirement that both sides of the document must be copied where the original document contains any writing on its backside, Customs uses the phrase "complete copies".

*Comment:* Where there has been an assignment of an original title, some commenters questioned whether this circumstance will require that a new Certificate of Title be issued before the vehicle can be exported.

*Customs Response:* Where there has been an assignment of vehicle ownership with the back of the original title showing a proper transfer (with all required information regarding the assignment of ownership completed and

legible) of the vehicle from one party to another, Customs believes that a new Certificate of Title need not be issued. The original title will be accepted by Customs, provided complete copies of the original title are submitted for authentication. Customs agrees that requiring an exporter of an assigned vehicle to re-title the used vehicle in his name prior to export would create an undue time and cost burden. However, if requested, the exporter should present the bill of sale with the assigned title.

*Comment:* Concerning vehicles that are leased or have liens recorded on the original title, one commenter (representing a state licensing authority) requests that Customs make it clear in the regulations that the required letter from the owner of the vehicle is in addition to providing a certified copy of the original title.

*Customs Response:* For vehicles that are leased or for which a recorded lien exists in the U.S., Customs will require additional documentation that proves consent by such third-parties-in-interest that the vehicles presented may be exported. This third-party proof of consent must be in writing, give express permission for the vehicle to be exported, and bear the original signature of the third-party. The writing must be on the third-party's letterhead and include the date, a description of the vehicle which includes the VIN, the name of the owner of the leased vehicle or the lienholder, and a telephone number at which the owner or lienholder may be contacted. The exporter must provide this separate document with the original title or certified copy of the title to Customs at the time of presentation. If the original title or certified copy of the title shows that the lien has been properly released, then no written authorization from the lienholder will be required to be presented.

*Comment:* Another commenter (representing an agency of the federal government) requests that U.S. government personnel on official travel be exempt from the proposed documentary presentation rules because the processing of large numbers of relocations by the agency's internal travel office would be severely hampered by complying with Customs proposed reporting procedure. Further, the commenter states that there is no risk that these vehicles are stolen.

*Customs Response:* Because vehicles belonging to U.S. Government personnel temporarily reassigned abroad pursuant to official travel orders are processed and exported pursuant to official government travel department procedures and because the federal

government employee on official travel is normally required to present documentary proof of vehicle ownership to the sponsoring agency's internal office prior to shipping, Customs agrees with the commenter that the threat of such vehicles being stolen is extremely low. Customs also agrees that to require U.S. Government employees to reestablish ownership of the vehicle at the time of export merely duplicates a procedure without benefit to the employee or Customs law enforcement responsibilities.

Accordingly, Customs is amending the general documentation requirement procedures at § 192.2(b)(1) to provide a general exception for U.S. Government military or civilian employees who are shipping their vehicles abroad in conjunction with official reassignment orders. Such personnel are presumed to have complied with the general documentation requirements of § 192.2(b), so long as the employee's official travel orders indicate that there has been compliance with the sponsoring agency's internal travel department procedures for vehicle export.

*2. Acceptable ownership documents for new or Original Equipment Manufacture (OEM) vehicles not titled but issued a Manufacturer's Statement of Origin (MSO); vehicles contained in in-bond movements; or vehicles in a salvage, junk, or scrap condition.*

*Comment:* Many comments were received discussing the need for Customs to generally clarify the provisions of Part 192 concerning such issues as definitions and other self-propelled "used" vehicle identification numbers, and whether an exporter of parts or components of used self-propelled vehicles is obligated to meet the Customs reporting requirements. One commenter recommended that Customs undertake a review of the regulations—presumably § 192.2—to address basic requirements for vehicles identified with Product Identification Numbers (PINs) and Hull Identification Numbers (HINs). Another commenter requested that the modifier "used" be inserted immediately before the term "vehicles" and before the specific listing of "automobiles, trucks, vans, minivans, motorcycles and buses" contained in 19 CFR part 192 subpart A. This same commenter pointed out that the terms, "used vehicles", "vehicles" and "vehicle" are ambiguous and are used interchangeably.

Concerning newly manufactured vehicles, one commenter noted that some states (California and Michigan) do not issue MSOs for newly purchased vehicles, and requests that Customs

accept substitute documents, such as a dealer's invoice.

Concerning vehicles exported in a salvage, junk, or scrap condition, one commenter recommended that Customs remove the word "satisfactory" as regards the burden of proof exporters must bear to prove ownership of the vehicle, stating that Customs is not fully aware of all state laws regarding the titling, or lack thereof, of such vehicles and that giving such discretion to Customs agents promotes a lack of uniformity at the ports of exit.

*Customs Response:* Customs agrees that the modifier "used" should be inserted immediately before the term "vehicles" contained in § 192.2(b). As concerns the listing of specific types of vehicles ("automobiles, trucks, vans, minivans, motorcycles and buses"), see the discussion below concerning the revised organization of the regulations.

Vehicles which do not meet Customs definition of "used" are considered new or OEM vehicles and do not have to be reported to Customs before the vehicle is exported. The question presented by these types of vehicles is whether title has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser, either legally or equitably, prior to the vehicle's exportation.

If the legal or equitable title of the vehicle has been transferred prior to the vehicle's export, then the new or OEM vehicle must be reported to Customs before the vehicle can be exported; the vehicle having become "used" and subject to these export reporting regulations. In these cases, Customs will require the following documentation before export can occur: the Manufacturer's Statement of Origin (MSO) or, in cases where the vehicle is manufactured in a state by a company that does not issue MSOs for newly purchased vehicles, a document such as a dealer's invoice that proves ownership. In this latter instance, the burden of proof will be on the exporter to establish that the jurisdiction from where the vehicle comes does not have any ownership documentation requirements regarding such vehicles, and the exporter will be required to provide an original document showing his basis for ownership of the vehicle.

Regarding the comment as to whether an exporter of parts or components of used, self-propelled vehicles is obligated to meet the Customs reporting requirements of Part 192, these amendments are only concerned with the exportation of entire vehicles, not component parts. Accordingly, the comment is outside the scope of this final rule and no change to the regulations will be made. However, it is

noted that the importation and exportation of stolen parts and components of vehicles renders the importer or exporter subject to the penalty and seizure and forfeiture provisions of 19 U.S.C. 1627a(a), as implemented by 19 CFR 192.3(c) and (d).

Vehicles that are exported from the U.S. as part of an in-bond movement are not subject to these export reporting requirements. In-bond movements, however, are subject to inspection at the discretion of Customs.

Regarding vehicles exported in a salvage, junk, or scrap condition, Customs is not concerned with the condition of the vehicle exported, but rather the type and status of the documentation for the vehicle. Since there is no national requirement concerning the titling of such vehicles and frequently government-issuing authorities have inconsistent or varying certification requirements for such vehicles, Customs must require of these vehicles the most authentic documents available to establish ownership of the vehicle to be exported. Accordingly, in those cases where the vehicle was issued an original Certificate of Title or a Salvage Title which remains in force, Customs will require presentation of that original title document pursuant to the provisions of § 192.2(b)(1). Also, in those cases where the vehicle was issued a junk or scrap certificate by a government authority that remains in force, Customs will require presentation of that original document pursuant to the provisions of § 192.2(b)(3)(iii). But, in those cases where the vehicle was not issued a Certificate of Title, a Salvage Title, or a junk or scrap certificate, or the title or certificate is no longer in force, Customs will accept such documents as a Bill of Sale as establishing ownership pursuant to the provisions of § 192.2(b)(3)(iv), provided: (1) The owner certifies to Customs in writing that the government-issuing authority for the jurisdiction has no registration/certification requirements for such vehicles, and (2) the owner attests in writing to the *bona fides* of the sale and that the vehicle presented for export is not stolen. Because a government-issuing authority will not necessarily be involved in the issuance of Bills of Sale, the burden of proof Customs places on exporters in this regard is not deemed unreasonable.

Regarding the commenter's observation that the word "satisfactory" (from proposed § 192.2(b)(3)) gives too much discretion to Customs agents and promotes a lack of uniformity at the ports of exit, Customs disagrees. Since the exporter is in a better position to

report on the titling practices/requirements of the particular jurisdiction from where the vehicle comes, Customs believes that use of the word "satisfactory" does not place an undue burden on the exporter. Proof of a jurisdiction's titling practices/requirements requires merely a letter from the government agency responsible for titling vehicles that applicable regulations either exist or do not exist.

As discussed below, Customs is revising the heading and text of proposed § 192.2(b)(4) to more directly address the documentary requirements for exporting vehicles not titled, including "junk" and "scrap" vehicles.

### 3. *The security of original documents presented to Customs.*

*Comment:* Some commenters were concerned about the security, *i.e.*, safe return, of original title documents left with Customs over the course of the 72-hour reporting requirement. While the risk of loss was cited as the overriding concern, liability issues, the burden of replacing the original, and additional costs in the form of additional exporter processing costs and the potential for lost business were also raised.

*Customs Response:* If the timely return and risk of loss of original title documents are primary concerns with the process of presenting such documents to Customs, it is recommended that the exporter timely present the required documentation and wait while Customs verifies the authenticity of the documents. Then Customs can directly return the documents to the exporter. Exporters must understand Customs believes that the original title document is the single most important document needed to prevent the illegal export of stolen vehicles and that these regulatory changes are designed to tighten Customs enforcement against the exportation of stolen cars.

Regarding the commenters' issues of liability, the burden of replacing the original, and additional exporter processing costs, in those cases where the original title document was presented to and retained by Customs and cannot be found prior to the vehicle's export, the exporter's authenticated copy of the original documentation serves as evidence of compliance with the reporting requirements. However, where the original title document was returned to the exporter, then the exporter is liable for replacing the documents and bearing any processing costs associated with such replacement. While Customs is willing to work with individual exporters to address problems they may be experiencing at certain ports of entry,

no systemic change to the documentation procedures provided herein will be made.

*4. The time requirement for submitting documents, and presenting the vehicle for inspection at a place other than at the port of export.*

*Comment:* Several comments were received inquiring as to the time for document presentation and the beginning point of the required 72-hour time period. One exporter stated that the requirement for exporters at seaports to submit all original documentation to Customs 72 hours prior to export, while the requirement for exporters at land borders to submit copies of documentation to Customs 72 hours prior to export, subject to presentation of originals at the time of export, did not seem very equitable. Another commenter suggested the following procedure at land borders regarding cars purchased at auction:

1. At the time of purchase, the auction will complete the Shipper's Export Declaration (SED) with attached certified copies of invoices and/or bills of sale (separate bills of sale are required by California law, but not other states);

2. The auction will give a copy of the SED to the purchasing motor vehicle dealer;

3. The auction will forward the original SED to a designated land border crossing (a specialized facility equipped to follow the procedures to expedite the legitimate export of used motor vehicles into Mexico); and

4. Customs will allow export 72 hours following receipt of the original SED, upon presentation of the motor vehicle with the copy of the SED by the purchasing Dealer.

Additional comments were received inquiring whether a vehicle could be inspected and certified at its point of origin, and whether a vehicle's documents could be verified at the point of export.

*Customs Response:* Regarding the suggested auction procedure, Customs does not consider the SED document to be as trustworthy a document as the original Certificate of Title issued by a government agency, for the reasons discussed above under Customs first response. Further, the SED is a document protected by the Commerce laws with the result that Customs is generally precluded from sharing the information with other law enforcement agencies. The exporter who is required to complete the SED may or may not be the auto auction. Therefore, as an enforcement tool, the value of the SED is significantly lowered in Customs stated objective to more efficiently and effectively deter the export of stolen

vehicles. Lastly, copies of invoices and/or bills of sale that are certified by an auto auction business do not meet the documentation requirements of these regulations for purposes of exporting a vehicle.

Accordingly, no change to the regulations will be made to accommodate this suggested documentation procedure.

Regarding the beginning of the required 72-hour time period, Customs notes that the proposed regulation provides that the original document and the vehicle be presented to Customs *at least* (emphasis supplied) 72 hours, to include not less than two full business days, prior to lading or in the case of the land border ports, prior to the intended date of export. This 72-hour time period is a statutory minimum time period. Customs has reconsidered its proposal to further delineate when this 72-hour time period begins or whether a time period, *i.e.*, the concept of "business days," falls within this time period minimum because, in fact, port directors can require greater time periods within which exporters must submit required documentation. The purpose of requiring the documentation *at least* 72-hours before export of the vehicle is so that Customs can cross-check the VIN with information entered into the NCIC on stolen vehicles. Accordingly, the provisions of proposed § 192.2(c) will be revised to remove the "2 full business days" concept so that the provisions of redenominated paragraph (d), which allow port directors to establish the locations and hours of operation for exporters to present required documentation, will not be compromised.

Regarding the different document and vehicle presentation requirements at seaports and land border ports, the operational differences at land border and seaports concerning vehicle presentation were explained in Treasury Decision 90-71, when the provisions of § 192.2(c) were first amended concerning this issue. However, the one commenter's observation that the proposed requirement for exporters at seaports to submit all original documentation to Customs 72 hours prior to export, while the proposed requirement for exporters at land borders to submit copies of documentation to Customs 72 hours prior to export, subject to presentation of originals at the time of export, did not seem very equitable, is valid and Customs agrees that implementation of the Act requires a uniform approach regarding presentation of documentation. Accordingly, the provisions of § 192.2(c) concerning the

presentation of documentation are amended to require that exporters at land borders submit original documentation at least 72 hours before export of the vehicle, to parallel the requirement for exporters at seaports.

Concerning the presentation of a vehicle for inspection at a place other than at the port of export, Customs has recently amended its regulations at Part 118, which concerns Centralized Examination Stations, to authorize their use in the export of merchandise (see, 63 FR 16683, dated April 6, 1998; T.D. 98-29). Accordingly, Customs can direct that vehicles be inspected at locations other than at the port of export.

*Other Changes*

After review of the comments and further consideration of the proposal, Customs has decided to restructure § 192.2(b) to present a clearer understanding of the specific documentation required for certain used vehicles to be exported. Accordingly, instead of heading paragraphs (b)(1) through (b)(5) as they were proposed to be headed, the headings are changed to clearly direct readers to the requirements for (1) U.S.-titled vehicles; (2) foreign-titled vehicles; and (3) untitled vehicles. Under the heading for untitled vehicles, there are subparagraphs for the following categories: (1) Newly-manufactured vehicles issued an MSO; (2) newly-manufactured vehicles not issued an MSO; (3) vehicles issued a junk or scrap certificate; and (4) vehicles issued a title or certificate that is not in force or are otherwise not registered. These changes are non-substantive.

With the restructuring of paragraph (b), Customs is not enumerating vehicle types such as automobiles, trucks, buses, etc., in the substantive documentation requirements portion of this final rule document. Customs believes that the definition of "Self-propelled vehicle" at § 192.1 is broad enough to cover any vehicle used or designated for running on land and that paragraphs (b)(1) through (b)(3) are applicable as drafted to all self-propelled vehicles that fall within the definition. Accordingly, the one comment suggesting that Customs incorporate by reference the generic vehicle's terminology used by National Highway Traffic Safety Administration and/or the Environmental Protection Agency to indicate which vehicles are subject to the regulations rather than list specific types of vehicles is not adopted.

It is also noted that Customs has decided to reverse the order of proposed paragraphs (d) and (e) of § 192.2 for

organizational clarity. Thus, amended paragraph (d) will address where documents are to be presented and amended paragraph (e) will provide for the authentication of documents procedure.

Also, the general authority citation for Part 192 is revised to add the applicable Anti Car Theft Act provisions, and minor word changes to § 192.1 are made for clarity.

To reflect the paperwork requirements contained at § 192.2(b), part 178 of the Customs Regulations is also amended.

**The Regulatory Flexibility Act and Executive Order 12866**

In so far as the amendments are intended to assist Customs exercise its law enforcement responsibilities in prohibiting the export of stolen vehicles and to place a minimum burden on legitimate exporters of used vehicles, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendments will not have a significant economic impact on a substantial number of small entities. Accordingly, the amendment is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. The amendment does not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

**Paperwork Reduction Act**

The collection of information contained in this final rule has been reviewed and approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) under control number 1515-0157. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

The clarification of the collection of information in this final rule is in § 192.2. This information is necessary so that Customs can exercise its law enforcement responsibilities in prohibiting the export of stolen vehicles. Respondents or recordkeepers are already required by statute or regulation to maintain the vast majority of the information covered in this regulation. The likely respondents or recordkeepers are business organizations including importers, exporters and manufacturers.

The estimated average annual burden associated with the collection of information in this final rule is 10 minutes per respondent or recordkeeper. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden

should be directed to the U.S. Customs Service, Information Services Group, Office of Finance, 1300 Pennsylvania Ave., NW, Washington, DC 20229; and to OMB, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, D.C. 20503.

**Drafting Information**

The principal author of this document was Gregory R. Vilders, Attorney, Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

**List of Subjects**

*19 CFR Part 178*

Administrative practice and procedure, Collections of information, Exports, Imports, Paperwork requirements, Reporting and recordkeeping requirements.

*19 CFR Part 192*

Administrative practice and procedure, Customs duties and inspection, Exports, Government employees, Motor Vehicles, Penalties.

**Amendments to the Regulations**

For the reasons stated above, parts 178 and 192 of the Customs Regulations (19 CFR parts 178 and 192) is amended as set forth below:

**PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS**

1. The authority citation for part 178 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 1624; 44 U.S.C. 3501 *et seq.*

2. Section 178.2 is amended by revising the text of the listing for "Part 192" to read as follows:

**§ 178.2 Listing of OMB control numbers.**

| 19 CFR section | Description  | OMB control No. |
|----------------|--|-----------------|
| * * * *        | * * * *  | * * * *         |
| § 192.2 ...    | Documentation requirements for exporting used, self-propelled vehicles, vessels, and aircraft. | 1515-0157       |

**PART 192—EXPORT CONTROL**

1. The authority citation for part 192, Customs Regulations (19 CFR part 192), is revised to read as follows:

**Authority:** 19 U.S.C. 66, 1624, 1627a, 1646a, 1646b, 1646c.

2. Section 192.1 is amended by adding two new definitions, in appropriate alphabetical order, to read as follows:

**§ 192.1 Definitions.**

\* \* \* \* \*

*Certified.* "Certified" when used with reference to a copy means a document issued by a government authority that includes on it a signed statement by the authority that the copy is an authentic copy of the original.

*Copy.* "Copy" refers to a duplicate or photocopy of an original document. Where there is any writing on the backside of an original document, a "complete copy" means that both sides of the document are copied.

\* \* \* \* \*

3. Section 192.2 is amended as follows:

- a. In the first sentence of paragraph (a), remove the words "a document" and add in their place the words "the required documentation"; and
- b. Paragraphs (b), (c) and (d) are revised to read as follows:

**§ 192.2 Requirements for exportation.**

\* \* \* \* \*

(b) *Documentation required.*—(1) For U.S.-titled vehicles.—(i) *Vehicles issued an original certificate of title.* For used, self-propelled vehicles issued, by any jurisdiction in the United States, a Certificate of Title or a Salvage Title that remains in force, the owner must provide to Customs, at the time and place specified in this section, the original Certificate of Title or a certified copy of the Certificate of Title and two complete copies of the original Certificate of Title or certified copy of the original.

(ii) *Where title evidences third-party ownership/claims.* If the used, self-propelled vehicle is leased or a recorded lien exists in the U.S., in addition to complying with paragraph (b)(1)(i) of this section, the provisional owner must provide to Customs a separate writing from the third-party-in-interest which expressly provides that the subject vehicle may be exported. This writing must be on the third-party's letterhead paper, and contain a complete description of the vehicle including the Vehicle Identification Number (VIN), the name of the owner or lienholder of the leased vehicle, and the telephone numbers at which that owner or lienholder may be contacted. The writing must bear an original signature of the third-party and state the date it was signed.

(iii) *Where U.S. Government employees are involved.* If the used, self-propelled vehicle is owned by a U.S.

government employee and is being exported in conjunction with that employee's reassignment abroad pursuant to official travel orders, then, in lieu of complying with paragraph (b)(1)(i) of this section, the employee may be required to establish that he has complied with the sponsoring agency's internal travel department procedures for vehicle export.

(2) *For foreign-titled vehicles.* For used, self-propelled vehicles that are registered or titled abroad, the owner must provide to Customs, at the time and place specified in this section, the original document that provides satisfactory proof of ownership (with an English translation of the text if the original language is not in English), and two complete copies of that document (and translation, if necessary).

(3) *For untitled vehicles.*—(i) Newly-manufactured vehicles issued an MSO. For newly-manufactured, self-propelled vehicles that are purchased from a U.S. manufacturer, distributor, or dealer that become used, as defined in this subpart, and are issued a Manufacturer's Statement of Origin (MSO), but not issued a Certificate of Title by any jurisdiction of the United States, the owner must provide to Customs, at the time and place specified in this section, the original MSO and two complete copies of the original MSO.

(ii) *Newly-manufactured vehicles not issued an MSO.* For newly-manufactured, self-propelled vehicles purchased from a U.S. manufacturer, distributor, or dealer that become used, as defined in this subpart, and not issued an MSO or a Certificate of Title by any jurisdiction of the United States, the owner must establish that the jurisdiction from where the vehicle comes does not have any ownership documentation requirements regarding such vehicles and provide to Customs, at the time and place specified in this section, an original document that proves ownership, such as a dealer's invoice, and two complete copies of such original documentation.

(iii) *Vehicles issued a junk or scrap certificate.* For used, self-propelled vehicles for which a junk or scrap certificate issued, by any jurisdiction of the United States, remains in force, the owner must provide to Customs, at the time and place specified in this section, the original certificate or a certified copy of the original document and two complete copies of the original document or certified copy of the original.

(iv) *Vehicles issued a title or certificate that is not in force or are otherwise not registered.* For used, self-propelled vehicles that were issued, by

any jurisdiction of the United States, a title or certificate that is no longer in force, or that are not required to be titled or registered, and for which an MSO was not issued, the owner must establish that the jurisdiction from where the vehicle comes does not have any ownership documentation requirements regarding such vehicles and provide to Customs, at the time and place specified in this section, the original document that shows his basis for ownership or right of possession, such as a bill of sale, and two complete copies of that original document. Further, the owner must certify in writing to Customs that the procurement of the vehicle was a bona fide transaction, and that the vehicle presented for export is not stolen.

(c) *When presented.*—(1) *Exportation by vessel or aircraft.* For those vehicles exported by vessel or aircraft, the required documentation and the vehicle must be presented to Customs at least 72 hours prior to export.

(2) *Exportation at land border crossing points.* For those vehicles exported by rail, highway, or under their own power:

(i) The required documentation must be submitted to Customs at least 72 hours prior to export; and

(ii) The vehicle must be presented to Customs at the time of exportation.

(d) *Where presented.* Port directors will establish locations at which exporters must present the required documentation and the vehicles for inspection. Port directors will publicize these locations, including their hours of operation.

(e) *Authentication of documentation.* Customs will determine the authenticity of the documents submitted. Once the authenticity of the documents is established, Customs will mark the documents. In most cases the original document(s) will be returned to the exporter. In those cases where the original title document was presented to and retained by Customs and cannot be found prior to the vehicle's export, the exporter's authenticated copy of the original documentation serves as evidence of compliance with the reporting requirements.

Approved: March 16, 1999.

**Raymond W. Kelly,**

*Commissioner of Customs.*

**John P. Simpson,**

*Deputy Assistant Secretary of the Treasury.*

[FR Doc. 99-8332 Filed 4-5-99; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 301

[REG-106564-98]

RIN 1545-AW86

#### Modifications and Additions to the Unified Partnership Audit Procedures; Hearing Cancellation

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed rulemaking.

**SUMMARY:** This document provides notice of cancellation of a public hearing on proposed regulations relating to the unified partnership audit procedures.

**DATES:** The public hearing originally scheduled for Wednesday, April 14, 1999, at 10 a.m., is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Slaughter of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622-7180 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking, notice of proposed rulemaking by cross-reference to temporary regulations, and notice of public hearing that appeared in the **Federal Register** on Tuesday, January 26, 1999 (64 FR 3886), announced that a public hearing was scheduled for Wednesday, April 14, 1999, at 10 a.m., in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under sections 6221 through 6233 of the Internal Revenue Code. The public comment period for these proposed regulations expires on Monday, April 26, 1999. The outlines of topics to be addressed at the hearing were due on Wednesday, March 24, 1999.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of March 31, 1999, no one has requested to speak. Therefore, the public hearing scheduled for Wednesday, April 14, 1999, is cancelled.

**Cynthia E. Grigsby,**

*Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

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