

Proposed Amendments to Rule 73.1

Rule 73.1 is amended as follows:

Rule 73.1. Documents in an Action Described in 28 U.S.C. § 1581 (a) or (b)

~~Upon~~**On** service of the summons on the Secretary of Homeland Security, the appropriate customs officer ~~shall forthwith~~**must promptly** transmit the following items, if they exist, to the clerk of the court, as part of the official record of the civil action:

- (1) consumption or other entry and the entry summary;
- (2) commercial invoice;
- (3) special customs invoice;
- (4) copy of protest or petition;
- (5) copy of denial, in whole or in part, of the protest or petition;
- (6) importer's exhibits;
- (7) official and other representative samples;
- (8) any official laboratory reports; and
- (9) copy of any bond relating to the entry.

If any of the items do not exist in a particular action, an affirmative statement to that effect ~~shall~~**must** be transmitted to the clerk of the court as part of the official record.

PRACTICE COMMENT: ~~Pursuant to the renumbering of the Rules, the former Rule 70 now will be identified as Rule 73.1. New Rule 70 is "Reserved."~~

(Added Sept. 30, 2003, eff. Jan. 1, 2004.); **and amended _____, 2009, eff. _____, 2010.)**

Advisory Committee Note

The language of Rule 73.1 has been amended as part of the general restyling of these rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only.

The Practice Comment that was added in 2004, which noted changes to the rule numbers in this title, has been deleted because these changes have been in place for a number of years.