

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)

(a) For any case commenced after the effective date of this rule, unless otherwise ordered by the court, within 90 days after the filing of the summons, U.S. Customs and Border Protection (“CBP”) must file the following items electronically if they were provided to or created by CBP prior to the filing of the court action:

(1) information contained in the entry summary;

(2) commercial invoice and any other relevant documents associated with the entry, submitted by or on behalf of the importer;

(3) protest or petition, including any attachments and supplements; **and**

(4) decision on the protest or petition; ~~and~~

~~—— (5) a statement as to whether samples taken from the entry and/or other representative samples were provided to CBP.~~

(b) **For any case described in subparagraph (a), CBP shall file simultaneously with the items specified in (a)(1)-(4) a statement as to whether samples were taken from the entry and/or provided to CBP in conjunction with the protest in the subject case prior to the filing of the court action.** Within 90 days following the electronic filing of the items set forth in subparagraph (a), CBP shall file manually with the Court **at least one exemplar of each such sample received or taken.** ~~any samples taken from the entry and other representative samples~~

(c) The requirements of this rule may be modified upon motion and for good cause shown.

PRACTICE COMMENT: Extensions should be freely given if a complaint has not been filed.

(Added Sept. 30, 2003, eff. Jan. 1, 2004; and amended Nov. 25, 2009, eff. Jan. 1, 2010; Sept. 19, 2017, eff. Apr. 23, 2018; **Sept. 24, 2019, eff. Oct. 21, 2019.**)