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OMB Control No. 0625-0037
Approval expires 9-30-2027

FORM ITA-338P LF
(REV. 8-23)

US DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION
AND
U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION

REQUEST FOR DUTY-FREE ENTRY OF SCIENTIFIC INSTRUMENTS OR APPARATUS

No waiver of duty may be granted unless a completed application form has been received (19 U.S.C. 1202; 15 CFR 301).

Mail application to: U.S. Customs and Border Protection
Attention: Entry Process and Duty Refunds Branch
90 K Street, NE, 10th Floor
Washington, DC 20229

FOR USE ONLY BY U.S. CUSTOMS AND BORDER PROTECTION

DATE RECEIVED BY CBP	APPLICATION NUMBER

INSTRUCTIONS: This application is to be completed and submitted in accordance with Department of Commerce and Department of Homeland Security regulations, INSTRUMENTS AND APPARATUS FOR EDUCATIONAL AND SCIENTIFIC INSTITUTIONS, 15 CFR, Part 301. Review the regulations prior to preparing your application. If additional space is required for any answer, answer on a separate sheet, identify the question being answered, and attach to this form. Five copies of the application are required. **One of these copies must bear the original signature.**

1. NAME OF APPLICANT INSTITUTION

2. ADDRESS *(Street, City, State, ZIP code)*

3. THIS IS A NONPROFIT INSTITUTION ESTABLISHED FOR:

☐ Scientific purposes ☐ Educational purposes

Unless listed in the current IRS Publication 78 *(Cumulative List of Organizations),* submit proof of Internal Revenue nonprofit status or, in the absence thereof, other proof of nonprofit status.

4. DESCRIPTION OF THE INSTRUMENT FOR WHICH DUTY-FREE ENTRY IS REQUESTED.

A. Name or type of instrument (e.g., Electron Microscope, Excimer Laser, etc.)

B. Foreign manufacturer and country of manufacture of instrument:

(Manufacturer) (Country of manufacture)

C. Description: (Check appropriate box and provide information. All instruments and accessories must be listed under 1(a), 2(a) *or 3(a) below.) Note: The description of the specifications of the foreign instrument must be in a form that permits comparison with specifications of comparable domestic instruments.*

☐ (1) Standard catalogue instrument.
(a) List the instrument and each accompanying accessory according to the foreign manufacturer's nomenclature and model number. (Attaching a bona fide order will suffice if the order fully and accurately describes the instrument and all accompanying accessories.)
(b) Attach the foreign manufacturer's literature that fully describes the instrument (with accompanying accessories) and its guaranteed specifications.

☐ (2) Special-order variant of standard catalogue instrument that has been significantly modified according to applicant's specifications.
(a) List the instrument and each accompanying accessory according to the foreign manufacturer's nomenclature and model number.
(b) Attach a copy of the applicant's specifications describing any required modifications of the standard catalogue instrument.
(c) Attach a copy of the foreign manufacturer's literature describing the instrument.
(d) Indicate the extent to which each of the performance specifications applicable to the standard instrument has been increased or decreased in the modified instrument.

☐ (3) Instrument custom-made to applicant's specifications.
(a) List the instrument and each accompanying accessory according to standard nomenclature.
(b) Attach a copy of applicant's specifications.
(c) Attach documentation or evidence showing how the foreign instrument fulfills applicant's specifications described in (b) or, if it does not, attach evidence of the extent to which the article deviates from these specifications.

D. Proper classification under the subheadings contained in Chapters 1-97 of the Harmonized Tariff Schedule of the United States (HTSUS): (The HTSUS is available on the Internet, and may be acessed through CBP's website at www.cbp.gov.)

Public Burden Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0625-0037. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are voluntary. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the International Trade Administration Paperwork Reduction Act Program: PRA@trade.gov.

(Continue form on reverse side)

5. APPLICANT HAS:

☐ Already placed a bona fide order for the article. _____ (Date of order) _____ (Order no.)

(Attach the order and documents referenced on the order.)

_____

(Name and telephone number of firm from whom the foreign instrument was ordered)

☐ A firm intention, in the event of favorable action on this application, to place a bona fide order for the instrument on or before the 60th day after the decision on the application becomes final.

6. IF THE INSTRUMENT HAS BEEN DELIVERED PRIOR TO SUBMISSION OF THIS APPLICATION, SUPPLY ITS SERIAL NUMBER(S)

_____

7. PURPOSES FOR WHICH THE **INSTRUMENT AND ACCOMPANYING ACCESSORIES ARE INTENDED TO BE USED.** (Provide details on separate sheet in accordance with the specified format.)

A. Description of research purposes.

(1) The identity of the materials or phenomena to be studied.
(2) The properties of the materials or phenomena to be investigated.
(3) The experiments to be conducted.
(4) The objectives pursued in the course of the investigations.
(5) The techniques used in employing the instrument to achieve the objectives.
(6) Other relevant information.

B. Description of science-related educational purposes.

(1) Name, content, and objectives of any course in which the instrument will be used.
(2) How the instrument will be used to achieve educational objectives.
(3) Other relevant information.

C. Certification of intended use.

State the following: "I hearby certify that there will not be any use of the foreign instrument by or for the primary benefit of any Commercial (for-profit) entity within 5 years after entry of the foreign instrument into the United States customs territory." For further guidance, see Sections 301.4(a)(3) and 301.9(b) of the regulations.

8. JUSTIFICATION FOR DUTY-FREE ENTRY.

A. Are there instruments of the same general category as the foreign instrument being manufactured in the United States?

B. Are there instruments not in the same general category as the foreign instrument being manufactured in the United States that could possibly be utilized for the purposes described in Question 7?

C. Non-availability of a scientifically equivalent domestic instrument. (For further guidance on this item, see Sections 301.5(d)(1) and (2) of the regulations.)

(1) Identify any domestic instruments (cite manufacturers and model numbers) with which the foreign instrument has been compared.
(2) List and describe in detail the design, performance, and operational characteristics of the foreign instrument that you consider pertinent for your intended purposes and that are not equaled or exceeded by the comparable domestic instrument.
(3) Relate each characteristic listed in (2) to one or more purposes described in Question 7 by explaining how the availability of the characteristic permits you to accomplish the relevant purpose(s) that otherwise could not be achieved. Each characteristic must (1) be clearly described or discussed and (2) be quantitatively defined (wherever possible).

D. If excessive delivery time of domestic instruments entered into the decision to order the foreign instrument, answer (1), (2) and (3), below. If not, check (4), below. (For further guidance on this question see Section 301.5(d)(4) of the regulations.)

(1) State and verify the delivery time quoted by each domestic manufacturer of an instrument comparable to the foreign instrument.
(2) State and verify the delivery time quoted by the foreign manufacturer.
(3) Explain why the delay in receiving the domestic instrument(s) would seriously impair the achievement of the intended purposes. Specify which purposes would be so impaired.
(4) ☐ Delivery time was not a determining factor in the order of the foreign instrument.

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9. DESCRIPTION OF EFFORTS MADE BY APPLICANT TO ASCERTAIN THE AVAILABILITY OF A DOMESTIC INSTRUMENT OF EQUIVALENT SCIENTIFIC VALUE TO THE FOREIGN INSTRUMENT FOR THE INTENDED PURPOSES.

A. List names of domestic manufacturers contacted and indicate:

(1) Dates of such contacts.
(2) Whether or not you provided domestic manufacturers with a detailed description of your technical requirements.
(3) Whether or not you requested domestic manufacturers to bid on an instrument capable of fulfilling the relevant specifications of the foreign instrument without reference to cost limitations. Describe any stipulations or agreements about cost including price limitations, discounts, late delivery penalties, trade-ins, etc.
(4) Whether domestic manufacturers replied to the invitation to bid with an offer either to (a) furnish a standard catalogue instrument or (b) modify a standard catalogue instrument to the extent necessary to meet the applicant's technical requirements.

B. If you did not contact any domestic manufacturers prior to deciding to purchase the instrument, indicate the basis for concluding that no instruments manufactured in the United States were scientifically equivalent to the foreign instrument for the intended purposes.

C. Enclose copies of requests for bid, bid responses and any other relevant correspondence with the manufacturer of the foreign instrument and domestic manufacturers.

10. U.S. CUSTOMS AND BORDER PROTECTION ENTRY INFORMATION. (See Section 301.8 of the regulations for instructions for entering the foreign instrument through CBP.)

When the foreign instrument enters the customs territory of the United States, the importer of record recieves a copy of the entry summary (CBP Form 7501), designated at the bottom right corner of the form.

If the foreign instrument has already entered the customs territory of the United States, please attach a copy of the entry summary (CBP Form 7501) to this application.

If the foreign instrument has not yet entered the customs territory of the United States, the applicant must ensure that the official responsible for the purchase of the foreign instrument or the broker obtains a copy of the CBP 7501 and faxes it to the Statutory Import Programs Staff, Department of Commerce, at 202-501-7952. If you have any questions concerning the submission of this form, please call 202-482-1661.

11. CERTIFICATION -The official responsible for overseeing the use of the foreign instrument certifies that all statements provided in this application are accurate or believed to be accurate. This certification is made with the understanding that submitting false information intentionally is subject to penalties, including fines, imprisonment, or both, as outlined in Section 1001 of Title 18 of the United States Code. **Applicants should note that failure to submit a copy of the entry form will result in a delay in the refund of duty.**

TYPED NAME, TITLE, AND EMAIL ADDRESS OF OFFICIAL UNDER WHOSE DIRECTION AND CONTROL THE FOREIGN INSTRUMENT WILL BE USED.	TELEPHONE NUMBER		
	Area Code	Number	Ext.

SIGNATURE (Original signature on one copy)	DATE

12. TYPED NAME, TITLE, EMAIL ADDRESS, AND ADDRESS OF PROCUREMENT OR OTHER OFFICIAL WHO IS RESPONSIBLE FOR THE PURCHASE OF THE FOREIGN INSTRUMENT.	TELEPHONE NUMBER		
	Area Code	Number	Ext.

NOTE: Check whether you wish official correspondence concerning this application to be addressed to the official under whose control the instrument will be used or to the institution's fiscal officer:

☐ To official controlling the instrument ☐ To fiscal officer