amending sections 1333, 1336, 1337, 1351, 1352a, 1360, and former section 1364 of this title, and enacting notes set out under sections 1352 and 1366 of this title] shall not be construed to determine or indicate the approval or disapproval by the Congress of the executive agreement known as the General Agreement on Tariffs and Trade."


Section, act June 16, 1951, ch. 141, §11, 65 Stat. 75, required the President to take such measures as may be necessary to prevent the importation of ermine, fox, kolinsky, marten, mink, muskrat, and weasel furs and skins which are the product of the Union of Soviet Socialist Republics or of Communist China.

Effective Date of Repeal
Repeal effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 31, 1963, see section 501(a) of Pub. L. 87-456, set out as a note preceding section 1202 of this title.

SUBTITLE III—ADMINISTRATIVE PROVISIONS

PART I—DEFINITIONS AND NATIONAL CUSTOMS AUTOMATION PROGRAM

SUBPART A—DEFINITIONS

§ 1401. Miscellaneous

When used in this subtitle or in part I of subtitle II of this chapter—

(a) Vessel

The word "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

(b) Vehicle

The word "vehicle" includes every description of carriage or other contrivance used, or capable of being used, as a means of transportation on land, but does not include aircraft.

(c) Merchandise

The word "merchandise" means goods, wares, and chattels of every description, and includes merchandise the importation of which is prohibited, and monetary instruments as defined in section 5312 of title 31.

(d) Person

The word "person" includes partnerships, associations, and corporations.

(e) Master

The word "master" means the person having the command of the vessel.

(f) Day

The word "day" means the time from eight o'clock antemeridian to five o'clock postmeridian.

(g) Night

The word "night" means the time from five o'clock postmeridian to eight o'clock antemeridian.

(h) United States

The term "United States" includes all Territories and possessions of the United States except the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and the island of Guam.

(i) Officer of the customs; customs officer

The terms "officer of the customs" and "customs officer" mean any officer of the United States Customs Service of the Treasury Department (also hereinafter referred to as the "Customs Service") or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person, including foreign law enforcement officers, authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the Customs Service.

(j) Customs waters

The term "customs waters" means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States.

(k) Hovering vessel

The term "hovering vessel" means—

(1) any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws of the United States; and

(2) any vessel which has visited a vessel described in paragraph (1).

(l) Secretary

The term "Secretary" means the Secretary of the Treasury or his delegate.

(m) Controlled substance

The term "controlled substance" has the meaning given that term in section 802(6) of title 21. For purposes of this chapter, a controlled substance shall be treated as merchandise the importation of which into the United States is prohibited, unless the importation is authorized under—

(1) an appropriate license or permit; or

(2) the Controlled Substances Import and Export Act [21 U.S.C. 951 et seq.]...

(n) Electronic transmission

The term "electronic transmission" means the transfer of data or information through an authorized electronic data interchange system consisting of, but not limited to, computer modems and computer networks.

(o) Electronic entry

The term "electronic entry" means the electronic transmission to the Customs Service of—

(1) entry information required for the entry of merchandise, and
(2) entry summary information required for the classification and appraisement of the merchandise, the verification of statistical information, and the determination of compliance with applicable law.

(p) Electronic data interchange system

The term "electronic data interchange system" means any established mechanism approved by the Commissioner of Customs through which information can be transferred electronically.

(q) National Customs Automation Program

The term "National Customs Automation Program" means the program established under section 1411 of this title.

(r) Import activity summary statement

The term "import activity summary statement" refers to data or information transmitted electronically to the Customs Service, in accordance with such regulations as the Secretary prescribes, at the end of a specified period of time which enables the Customs Service to assess properly the duties, taxes and fees on merchandise imported during that period, collect accurate statistics and determine whether any other applicable requirement of law (other than a requirement relating to release from customs custody) is met.

(s) Reconciliation

The term "reconciliation" means an electronic process, initiated at the request of an importer, under which the elements of an entry (other than those elements related to the admis-

(t) Reconfigured entry

The term "reconfigured entry" means an entry filed on an import activity summary statement which substitutes for all or part of 1 entry filed on an import activity summary for purposes of liquidation, reliquidation, recordkeeping, and protest.

References in text

The Controlled Substances Import and Export Act, as referred to in subsec. (m)(2), is title III of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1285, as amended, which is classified principally to subchapter II (§951 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 951 of Title 21 and Tables.

Codification

Section is based on the designated subsections of section 401 of act June 17, 1930, as amended. The last undesignated paragraph of section 401, as added by section 201 of act Aug. 5, 1935, was classified to section 1522a of this title, prior to being repealed by Pub. L. 103–182, §690(c)(5), Dec. 8, 1993, 107 Stat. 2223.

Words "the Philippine Islands" formerly set out in subsec. (h) were omitted on authority of Proc. No. 2695, which is set out as a note under section 1522 of Title 22, Foreign Relations and Intercourse, and in which the President proclaimed the independence of the Philippines.

Prior Provisions

Provisions similar to those in this section were contained in act Sept. 21, 1922, ch. 356, title IV, §401, 42 Stat. 946, which superseded R.S. §§2766 and Section 401 of the 1922 act was superseded by section 401 of act June 17, 1930, comprising this section, and repealed by section 651(a)(1) of the 1930 Act.


The Customs Administrative Act of June 10, 1890, as originally enacted and as amended previous to the Payne-Aldrich Tariff Act, consisted of thirty sections, of which section 30 prescribed the time when the act should go into effect. Of the preceding twenty-nine sections of the original act, section 15 providing for review by the courts of decisions of the Board of General Appraisers, was omitted from the act as further amended by the Payne-Aldrich Tariff Act, and the remaining twenty-eight sections were amended thereby, constituting sections 1–28 thereof. A new section, designated as section 29, was added by the Payne-Aldrich Tariff Act, which created a Court of Customs Appeals and prescribed its jurisdiction and powers, proceedings, etc. Its provisions were incorporated in and superseded by chapter 8 of the Judicial Code of March 3, 1911. Another new section, designated as section 30, was also added by the Payne-Aldrich Tariff Act, which provided for the appointment of an Assistant Attorney-General, and attorneys in charge of matters of reappraisement, etc., of imported goods and litigation incident thereto. Section 30 was incorporated into the Code as section 296 of former Title 5, Executive Departments and Government Officers and Employees, and subsequently repealed by Pub. L. 89–554, Sept. 6, 1966, §8(a), 80 Stat. 632.

Amendments


2003—Subsec. (i). Pub. L. 108–7, §127(b), which directed amendment of section 1401(i) of title 19 by inserting
...including foreign law enforcement officers," after "or other person", was repealed by Pub. L. 108–429, §1501(c), 118 Stat. 2596.

Subsec. (s). Pub. L. 104–295, §18(a), amended first sentence generally. Prior to amendment, first sentence read as follows: "The term 'reconciliation' means an electronic process, initiated at the request of an importer, under which the elements of an entry, other than those elements related to the admissibility of the merchandise, that are undetermined at the time of entry summary are provided to the Customs Service at a later time."


1993—Subsec. (k). Pub. L. 103–182, §6341(a), amended subsec. (k) generally. Prior to amendment, subsec. (k) read as follows:

"(1) The term 'hovering vessel' means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue.

"(2) For the purposes of sections 1432, 1433, 1434, 1448, 1455, and 1559 of this title, any vessel—

"(A) has visited any hovering vessel; 

"(B) has received merchandise while in the customs waters beyond the territorial sea; or 

"(C) has received merchandise while on the high seas;

shall be deemed to arrive or have arrived, as the case may be, from a foreign port or place."

Subsec. (n) to (s). Pub. L. 105–121, §6341(b), added subsecs. (n) to (s).

1986—Subsec. (c). Pub. L. 99–570, §3111(1), inserted "and monetary instruments as defined in section 5312 of title 31", and monetary instruments as defined in section 5312 of title 31

Subsec. (k). Pub. L. 99–570, §3111(2), (3), designated existing provisions as par. (1) and added par. (2).


1970—Subsec. (b), Pub. L. 91–271, §301(c)(1), (2), struck out subsec. (b) which defined "collector", and redesignated subsec. (k) as (h).

Subsec. (i). Pub. L. 91–271, §301(c)(1), (2), struck out subsec. (i) which defined "comptroller of customs", redesignated subsec. (i) as (l), and, as so redesignated, defined "customs officer";

Subsec. (j). Pub. L. 91–271, §301(c)(2), (3), struck out subsec. (j) which defined "appraiser", and redesignated subsec. (m) as (j).

Subsec. (k). Pub. L. 91–271, §301(c)(2), (3), redesignated subsec. (k) as (l), Former subsec. (k) redesignated (h).


Subsecs. (m), (n). Pub. L. 91–271, §301(c)(2), redesignated subsec. (m) and (n) as (i) and (k), respectively. 1955—Subsec. (k). Act June 30, 1955, inserted "Johnston Island".

1953—Subsec. (k). Act June 25, 1938, inserted "Wake Island, Midway Islands, Kingman Reef" before "and the island of Guam".


CHANGE OF NAME

United States Customs Service substituted for Bureau of Customs in subsec. (i) pursuant to Treasury Department Order 103–29, Apr. 4, 1973, eff. Aug. 1, 1973, 38 F.R. 13037. See, also, section 308 of Title 31, Money and Finance.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–429, title I, §1561(d), Dec. 3, 2004, 118 Stat. 2582, provided that: "This section [amending this section and section 1629 of this title and repealing provisions set out as a note under section 1629 of this title], and the amendments made by this section, take effect on the date of the enactment of this Act [Dec. 3, 2004]."


EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 3(a)(6)(A) of Pub. L. 104–295 applicable as of Dec. 6, 1995, see section 3(b) of Pub. L. 104–295, set out as a note under section 1321 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91–271, see section 203 of Pub. L. 91–271, set out as a note under section 1500 of this title.

EFFECTIVE DATE OF 1955 AMENDMENT

Section 2(d) of act June 30, 1955, provided that: "The amendments made by this section [amending this section, sections 1557, 1562, and 1709 of this title, and sections 422, 544, and 545 of Title 18, Crimes and Criminal Procedure] shall take effect on the day following the day on which this Act is enacted [July 1, 1955]."

EFFECTIVE DATE OF 1938 AMENDMENT

Section 37 of act June 25, 1938, provided that: "Sections 31 and 34 of this Act [amending section 1001 of this title] shall take effect on the date of enactment of this Act [June 25, 1938]. Except as otherwise specially provided in this Act, the remainder of this Act [amending this section and sections 1001, 1201, 1304, 1308, 1309, 1315, 1317, 1402, 1451, 1459, 1460, 1464, 1465, 1491, 1499, 1501, 1516, 1520, 1524, 1534, 1557, 1558, 1559, 1562, 1563, 1603, 1607, 1609, 1613, 1623, and 1709 of this title, enacting sections 1321, 1467, and 1528 of this title, and amending section 331 of former Title 46, Shipping] shall take effect on the thirtieth day following the date of its enactment."

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(a)(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 406(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of all functions of the Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

§1401a. Value

(a) Generally

(1) Except as otherwise specifically provided for in this chapter, imported merchandise shall