

in this section) there shall not be” for “in no case shall there be”, and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-418, title I, §1902(b), Aug. 23, 1988, 102 Stat. 1313, as amended by Pub. L. 100-647, title IX, §9001(a)(18), Nov. 10, 1988, 102 Stat. 3808, provided that: “The amendment made by this section [amending this section] shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after October 1, 1988.”

§ 1508. Recordkeeping

(a) Requirements

Any—

(1) owner, importer, consignee, importer of record, entry filer, or other party who—

(A) imports merchandise into the customs territory of the United States, files a drawback claim, or transports or stores merchandise carried or held under bond, or

(B) knowingly causes the importation or transportation or storage of merchandise carried or held under bond into or from the customs territory of the United States;

(2) agent of any party described in paragraph (1); or

(3) person whose activities require the filing of a declaration or entry, or both;

shall make, keep, and render for examination and inspection records (which for purposes of this section include, but are not limited to, statements, declarations, documents and electronically generated or machine readable data) which—

(A) pertain to any such activity, or to the information contained in the records required by this chapter in connection with any such activity; and

(B) are normally kept in the ordinary course of business.

(b) Exports and imports relating to USMCA countries

(1) Definitions

In this subsection:

(A) USMCA; USMCA country

The terms “USMCA” and “USMCA country” have the meanings given those terms in section 4502 of this title.

(B) USMCA certification of origin

The term “USMCA certification of origin” means the certification established under article 5.2.1 of the USMCA that a good qualifies as an originating good under the USMCA.

(2) Exports to USMCA countries

Any person who completes a USMCA certification of origin or provides a written representation for a good exported from the United States to a USMCA country shall make, keep, and, pursuant to rules and regulations prescribed by the Secretary of the Treasury, render for examination and inspection, all records and supporting documents related to the origin of the good (including the certifi-

cation or copies thereof), including records related to—

(A) the purchase, cost, value, and shipping of, and payment for, the good;

(B) the purchase, cost, value, and shipping of, and payment for, all materials, including indirect materials, used in the production of the good; and

(C) the production of the good in the form in which it was exported or the production of the material in the form in which it was sold.

(3) Exports under the Canadian Agreement

Any person who exports, or who knowingly causes to be exported, any merchandise to Canada during such time as the United States-Canada Free-Trade Agreement is in force with respect to, and the United States applies that Agreement to, Canada shall make, keep, and render for examination and inspection such records (including certifications of origin or copies thereof) which pertain to the exportations.

(4) Imports into the United States

(A) In general

Any importer who claims preferential tariff treatment under the USMCA for a good imported into the United States from a USMCA country shall make, keep, and, pursuant to rules and regulations prescribed by the Secretary of the Treasury of the Secretary of Labor, render for examination and inspection—

(i) records and supporting documentation related to the importation;

(ii) all records and supporting documents related to the origin of the good (including the certification or copies thereof), if the importer completed the certification; and

(iii) records and supporting documents necessary to demonstrate that the good did not, while in transit to the United States, undergo further production or any other operation other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the United States.

(B) Vehicle producer

Any vehicle producer whose good is the subject of a claim for preferential tariff treatment under the USMCA shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury and Secretary of Labor, render for examination and inspection records and supporting documents related to the labor value content and steel and aluminum purchasing requirements for the qualification of its vehicles for preferential treatment.

(5) Retention period

(A) Exports to USMCA countries

A person covered by paragraph (2) who completes a USMCA certification of origin or provides a written representation for a good exported from the United States to a USMCA country shall keep the records required by such paragraph relating to that certification of origin for a period of at least

5 years after the date on which the certification is completed.

(B) Exports under Canadian Agreement

The records required by paragraph (3) shall be kept for such periods of time as the Secretary shall prescribe, except that—

- (i) no period of time for the retention of the records may exceed 5 years from the date of entry, filing of a reconciliation, or exportation, as appropriate; and
- (ii) records for any drawback claim shall be kept until the third anniversary of the date of liquidation of the claim.

(C) Imports into the United States

(i) In general

An importer covered by paragraph (4)(A) shall keep the records and supporting documents required by such paragraph for a period of at least 5 years after the date of importation of the good.

(ii) Vehicle producer

A vehicle producer covered by paragraph (4)(B) shall keep the records and supporting documents required by paragraph (4)(B) for a period of at least 5 years after the date of filing the certifications required under paragraphs (1) and (2) of section 4532(c) of this title.

(c) Period of time

The records required by subsection (a) shall be kept for such periods of time as the Secretary shall prescribe, except that—

- (1) no period of time for the retention of the records required under subsection (a) may exceed 5 years from the date of entry, filing of a reconciliation, or exportation, as appropriate; and
- (2) records for any drawback claim shall be kept until the 3rd anniversary of the date of liquidation of the claim.

(d) Limitation

For the purposes of this section and section 1509 of this title, a person ordering merchandise from an importer in a domestic transaction does not knowingly cause merchandise to be imported unless—

- (1) the terms and conditions of the importation are controlled by the person placing the order; or
- (2) technical data, molds, equipment, other production assistance, material, components, or parts are furnished by the person placing the order with knowledge that they will be used in the manufacture or production of the imported merchandise.

(e) Subsection (b) penalties

(1) Relating to USMCA exports

Any person who fails to retain records required by paragraph (2) of subsection (b) or the regulations issued to implement that paragraph shall be liable for—

- (A) a civil penalty not to exceed \$10,000; or
- (B) the general recordkeeping penalty that applies under the customs laws;

whichever penalty is higher.

(2) Relating to Canadian agreement exports

Any person who fails to retain the records required by paragraph (3) of subsection (b) or

the regulations issued to implement that paragraph shall be liable for a civil penalty not to exceed \$10,000.

(f) Certificates of Origin for goods exported under the United States-Chile Free Trade Agreement

(1) Definitions

In this subsection:

(A) Records and supporting documents

The term “records and supporting documents” means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

- (i) the purchase, cost, and value of, and payment for, the good;
- (ii) if applicable, the purchase, cost, and value of, and payment for, all materials, including recovered goods, used in the production of the good; and
- (iii) if applicable, the production of the good in the form in which it was exported.

(B) Chile FTA Certificate of Origin

The term “Chile FTA Certificate of Origin” means the certification, established under article 4.13 of the United States-Chile Free Trade Agreement, that a good qualifies as an originating good under such Agreement.

(2) Exports to Chile

Any person who completes and issues a Chile FTA Certificate of Origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the Certificate or copies thereof).

(3) Retention period

Records and supporting documents shall be kept by the person who issued a Chile FTA Certificate of Origin for at least 5 years after the date on which the certificate was issued.

(g) Certifications of origin for goods exported under the Dominican Republic-Central America-United States Free Trade Agreement

(1) Definitions

In this subsection:

(A) Records and supporting documents

The term “records and supporting documents” means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

- (i) the purchase, cost, and value of, and payment for, the good;
- (ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and
- (iii) the production of the good in the form in which it was exported.

(B) CAFTA-DR certification of origin

The term “CAFTA-DR certification of origin” means the certification established

under article 4.16 of the Dominican Republic-Central America-United States Free Trade Agreement that a good qualifies as an originating good under such Agreement.

(2) Exports to CAFTA-DR countries

Any person who completes and issues a CAFTA-DR certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

(3) Retention period

Records and supporting documents shall be kept by the person who issued a CAFTA-DR certification of origin for at least 5 years after the date on which the certification was issued.

(h) Certifications of origin for goods exported under the United States-Peru Trade Promotion Agreement

(1) Definitions

In this subsection:

(A) Records and supporting documents

The term “records and supporting documents” means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

- (i) the purchase, cost, and value of, and payment for, the good;
- (ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and
- (iii) the production of the good in the form in which it was exported.

(B) PTPA certification of origin

The term “PTPA certification of origin” means the certification established under article 4.15 of the United States-Peru Trade Promotion Agreement that a good qualifies as an originating good under such Agreement.

(2) Exports to Peru

Any person who completes and issues a PTPA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

(3) Retention period

The person who issues a PTPA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued.

(i) Certifications of origin for goods exported under the United States-Korea Free Trade Agreement

(1) Definitions

In this subsection:

(A) Records and supporting documents

The term “records and supporting documents” means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

- (i) the purchase, cost, and value of, and payment for, the good;
- (ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and
- (iii) the production of the good in the form in which it was exported.

(B) KFTA certification of origin

The term “KFTA certification of origin” means the certification established under article 6.15 of the United States-Korea Free Trade Agreement that a good qualifies as an originating good under such Agreement.

(2) Exports to Korea

Any person who completes and issues a KFTA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

(3) Retention period

The person who issues a KFTA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued.

(j) Certifications of origin for goods exported under the United States-Colombia Trade Promotion Agreement

(1) Definitions

In this subsection:

(A) Records and supporting documents

The term “records and supporting documents” means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

- (i) the purchase, cost, and value of, and payment for, the good;
- (ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and
- (iii) the production of the good in the form in which it was exported.

(B) CTPA certification of origin

The term “CTPA certification of origin” means the certification established under article 4.15 of the United States-Colombia Trade Promotion Agreement that a good qualifies as an originating good under such Agreement.

(2) Exports to Colombia

Any person who completes and issues a CTPA certification of origin for a good exported from the United States shall make,

keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

(3) Retention period

The person who issues a CTPA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued.

(k) Certifications of origin for goods exported under the United States–Panama Trade Promotion Agreement

(1) Definitions

In this subsection:

(A) Records and supporting documents

The term “records and supporting documents” means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

- (i) the purchase, cost, and value of, and payment for, the good;
- (ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and
- (iii) the production of the good in the form in which it was exported.

(B) Panama TPA certification of origin

The term “Panama TPA certification of origin” means the certification established under article 4.15 of the United States–Panama Trade Promotion Agreement that a good qualifies as an originating good under such Agreement.

(2) Exports to Panama

Any person who completes and issues a Panama TPA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

(3) Retention period

The person who issues a Panama TPA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued.

(l) Penalties

Any person who fails to retain records and supporting documents required by subsection (f), (g), (h), (i), (j), or (k) or the regulations issued to implement any such subsection shall be liable for the greater of—

- (1) a civil penalty not to exceed \$10,000; or
- (2) the general record keeping penalty that applies under the customs laws of the United States.

(June 17, 1930, ch. 497, title IV, § 508, as added Pub. L. 95–410, title I, § 104, Oct. 3, 1978, 92 Stat.

889; amended Pub. L. 100–449, title II, § 205(b), Sept. 28, 1988, 102 Stat. 1864; Pub. L. 103–182, title II, § 205(a), title VI, § 614, Dec. 8, 1993, 107 Stat. 2093, 2174; Pub. L. 104–295, § 3(a)(6)(B), Oct. 11, 1996, 110 Stat. 3515; Pub. L. 108–77, title II, §§ 207, 209, Sept. 3, 2003, 117 Stat. 931, 933; Pub. L. 109–53, title II, § 208, Aug. 2, 2005, 119 Stat. 485; Pub. L. 110–138, title II, § 207, Dec. 14, 2007, 121 Stat. 1476; Pub. L. 112–41, title II, § 206, Oct. 21, 2011, 125 Stat. 449; Pub. L. 112–42, title II, § 207, Oct. 21, 2011, 125 Stat. 484; Pub. L. 112–43, title II, § 207, Oct. 21, 2011, 125 Stat. 520; Pub. L. 114–125, title IX, § 906(o), Feb. 24, 2016, 130 Stat. 233; Pub. L. 116–113, title II, § 206(a), Jan. 29, 2020, 134 Stat. 46; Pub. L. 116–260, div. O, title VI, § 601(d)(1), Dec. 27, 2020, 134 Stat. 2151.)

AMENDMENT OF SECTION

For termination of amendment by section 107(c) of Pub. L. 112–43, see Effective and Termination Dates of 2011 Amendment note below.

For termination of amendment by section 107(c) of Pub. L. 112–42, see Effective and Termination Dates of 2011 Amendment note below.

For termination of amendment by section 107(c) of Pub. L. 112–41, see Effective and Termination Dates of 2011 Amendment note below.

For termination of amendment by section 107(c) of Pub. L. 110–138, see Effective and Termination Dates of 2007 Amendment note below.

For termination of amendment by section 107(d) of Pub. L. 109–53, see Effective and Termination Dates of 2005 Amendment note below.

For termination of amendment by section 107(c) of Pub. L. 108–77, see Effective and Termination Dates of 2003 Amendment note below.

For termination of amendment by section 501(c) of Pub. L. 100–449, see Effective and Termination Dates of 1988 Amendment note below.

Editorial Notes

PRIOR PROVISIONS

A prior section 1508, acts June 17, 1930, ch. 497, title IV, § 508, 46 Stat. 732; Aug. 8, 1953, ch. 397, § 19, 67 Stat. 518, related to commingling of goods, prior to repeal by Pub. L. 87–456, title III, § 301(a), May 24, 1962, 76 Stat. 75, effective, pursuant to section 501(a) of Pub. L. 87–456, with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 31, 1963.

AMENDMENTS

2020—Subsec. (b). Pub. L. 116–113, § 206(a)(1), added subsec. (b) and struck out former subsec. (b) which related to exportations to NAFTA countries.

Subsec. (c). Pub. L. 116–260 added subsec. (c).

Pub. L. 116–113, § 206(a)(2), struck out subsec. (c) which related to period of time for keeping required records.

Subsec. (e)(1). Pub. L. 116–113, § 206(a)(3), substituted “USMCA” for “NAFTA” in heading.

2016—Subsec. (c)(3). Pub. L. 114–125 substituted “liquidation” for “payment”.

2011—Subsec. (i). Pub. L. 112–41, §§ 107(c), 206(2), temporarily added subsec. (i). Former subsec. (i) redesignated (j). See Effective and Termination Dates of 2011 Amendment note below.

Subsec. (j). Pub. L. 112–42, §§ 107(c), 207(2), temporarily added subsec. (j). Former subsec. (j) redesignated (k). See Effective and Termination Dates of 2011 Amendment note below.

Pub. L. 112–41, §§ 107(c), 206(1), (3), temporarily redesignated subsec. (i) as (j) and, in introductory provisions, substituted “(g), (h), or (i)” for “(g), or (h)”. See Effective and Termination Dates of 2011 Amendment note below.

Subsec. (k). Pub. L. 112-43, §§107(c), 207(2), temporarily added subsec. (k). Former subsec. (k) redesignated (l). See Effective and Termination Dates of 2011 Amendment note below.

Pub. L. 112-42, §§107(c), 207(1), (3), temporarily redesignated former subsec. (j) as (k) and, in introductory provisions, substituted “(h), (i), or (j)” for “(h), or (i)”. See Effective and Termination Dates of 2011 Amendment note below.

Subsec. (l). Pub. L. 112-43, §§107(c), 207(1), (3), temporarily redesignated subsec. (k) as (l), and, in introductory provisions, substituted “(i), (j), or (k)” for “(i), or (j)”. See Effective and Termination Dates of 2011 Amendment note below.

2007—Subsec. (h). Pub. L. 110-138, §§107(c), 207(2), temporarily added subsec. (h). Former subsec. (h) redesignated (i). See Effective and Termination Dates of 2007 Amendment note below.

Subsec. (i). Pub. L. 110-138, §§107(c), 207(1), (3), temporarily redesignated subsec. (h) as (i) and, in introductory provisions, substituted “(f), (g), or (h)” for “(f) or (g)” and “any such subsection” for “either such subsection”. See Effective and Termination Dates of 2007 Amendment note below.

2005—Subsec. (g). Pub. L. 109-53, §§107(d), 208(2), temporarily added subsec. (g). Former subsec. (g) redesignated (h). See Effective and Termination Dates of 2005 Amendment note below.

Subsec. (h). Pub. L. 109-53, §§107(d), 208(1), (3), temporarily redesignated subsec. (g) as (h) and, in introductory provisions, inserted “or (g)” after “(f)” and substituted “either such subsection” for “that subsection”. See Effective and Termination Dates of 2005 Amendment note below.

2003—Subsec. (b). Pub. L. 108-77, §§107(c), 207(1), temporarily substituted “Exportations to NAFTA countries” for “Exportations to free trade countries” in heading. See Effective and Termination Dates of 2003 Amendment note below.

Subsec. (b)(2)(B)(i)(I). Pub. L. 108-77, §§107(c), 209, temporarily substituted “the eleventh paragraph of section 1311 of this title” for “the last paragraph of section 1311 of this title” and “the proviso preceding the last proviso to section 81c(a) of this title” for “the last proviso to section 81c(a) of this title”. See Effective and Termination Dates of 2003 Amendment note below.

Subsecs. (f), (g). Pub. L. 108-77, §§107(c), 207(2), temporarily added subsecs. (f) and (g). See Effective and Termination Dates of 2003 Amendment note below.

1996—Subsec. (c)(1). Pub. L. 104-295 inserted “, filing of a reconciliation,” after “entry”.

1993—Subsec. (a). Pub. L. 103-182, §614(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Any owner, importer, consignee, or agent thereof who imports, or who knowingly causes to be imported, any merchandise into the customs territory of the United States shall make, keep, and render for examination and inspection such records (including statements, declarations, and other documents) which—

“(1) pertain to any such importation, or to the information contained in the documents required by this chapter in connection with the entry of merchandise; and

“(2) are normally kept in the ordinary course of business.”

Subsec. (b). Pub. L. 103-182, §205(a)(1), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Any person who exports, or who knowingly causes to be exported, any merchandise to Canada shall make, keep, and render for examination and inspection such records (including certifications of origin or copies thereof) which pertain to such exportations.”

Subsec. (c). Pub. L. 103-182, §205(a)(2), amended generally subsec. (c), as amended by Pub. L. 103-182, §614(2) (see below). Prior to amendment, subsec. (c) read as follows: “The records required by subsections (a) and (b) of this section shall be kept for such period of time, not to exceed 5 years from the date of entry or exportation, as appropriate, as the Secretary shall prescribe; except

that records for any drawback claim shall be kept until the 3rd anniversary of the date of payment of the claim.” See Construction of 1993 Amendment note below.

Pub. L. 103-182, §614(2), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The records required by subsection (a) and (b) of this section shall be kept for such periods of time, not to exceed 5 years from the date of entry, as the Secretary shall prescribe.” See Construction of 1993 Amendment note below.

Subsec. (e). Pub. L. 103-182, §205(a)(3), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “Any person who fails to retain records required by subsection (b) of this section or the regulations issued to implement that subsection shall be liable to a civil penalty not to exceed \$10,000.”

1988—Subsecs. (b) to (e). Pub. L. 100-449 temporarily added subsec. (b), redesignated former subsec. (b) as (c) and inserted “and (b)” after “subsection (a)”, redesignated former subsec. (c) as (d), and added subsec. (e). See Effective and Termination Dates of 1988 Amendment note below.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116-260 effective July 1, 2020, see section 601(h) of div. O of Pub. L. 116-260, set out as a note under section 81c of this title.

Pub. L. 116-113, title II, §206(b), Jan. 29, 2020, 134 Stat. 48, provided that:

“(1) IN GENERAL.—The amendments made by subsection (a) [amending this section] shall take effect on the date on which the USMCA enters into force [July 1, 2020].

“(2) APPLICABILITY.—

“(A) EXPORTS.—Paragraphs (2) and (5)(A) of section 508(b) of the Tariff Act of 1930 [19 U.S.C. 1508(b)(2), (5)(A)], as amended by subsection (a), shall apply with respect to a good exported from the United States on or after the date on which the USMCA enters into force.

“(B) IMPORTS.—Paragraphs (4) and (5)(C) of section 508(b) of the Tariff Act of 1930 [19 U.S.C. 1508(b)(4), (5)(C)], as amended by subsection (a), shall apply with respect to a good that is entered for consumption, or withdrawn from warehouse for consumption, on or after the date on which the USMCA enters into force.

“(3) TRANSITION FROM NAFTA TREATMENT.—

“(A) EXPORTS.—In the case of a good exported from the United States before the date on which the USMCA enters into force—

“(i) the amendments made by subsection (a) to paragraphs (2) and (5)(A) of section 508(b) of the Tariff Act of 1930 (19 U.S.C. 1508) shall not apply with respect to the good; and

“(ii) section 508 of such Act, as in effect on the day before that date, shall continue to apply on and after that date with respect to the good.

“(B) IMPORTS.—In the case of a good that is entered for consumption, or withdrawn from warehouse for consumption, before the date on which the USMCA enters into force, the amendments made by subsection (a) to paragraphs (4) and (5)(C) of section 508(b) of the Tariff Act of 1930 (19 U.S.C. 1508) shall not apply with respect to the good.”

[For definition of “USMCA” as used in section 206(b) of Pub. L. 116-113, set out above, see section 4502 of this title.]

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-125 effective Feb. 24, 2016, and, except as otherwise provided, applicable to drawback claims filed on or after the date that is 2 years after such date, see section 906(q) of Pub. L. 114-125, set out as a note under section 1313 of this title.

EFFECTIVE AND TERMINATION DATES OF 2011 AMENDMENT

Amendment by Pub. L. 112-43 effective Oct. 21, 2011, applicable with respect to Panama on the date the

United States–Panama Trade Promotion Agreement enters into force (Oct. 31, 2012), and to cease to be effective on the date the Agreement terminates, see section 107(b), (c) of Pub. L. 112–43, set out in a note under section 3805 of this title.

Amendment by Pub. L. 112–42 effective Oct. 21, 2011, applicable with respect to Colombia on the date the United States–Colombia Trade Promotion Agreement enters into force (May 15, 2012), and to cease to be effective on the date the Agreement terminates, see section 107(b), (c) of Pub. L. 112–42, set out in a note under section 3805 of this title.

Amendment by Pub. L. 112–41 effective Oct. 21, 2011, applicable with respect to Korea on the date the United States–Korea Free Trade Agreement enters into force (Mar. 15, 2012), and to cease to be effective on the date the Agreement terminates, see section 107(b), (c) of Pub. L. 112–41, set out in a note under section 3805 of this title.

EFFECTIVE AND TERMINATION DATES OF 2007 AMENDMENT

Amendment by Pub. L. 110–138 effective on the date the United States–Peru Trade Promotion Agreement enters into force (Feb. 1, 2009) and to cease to be effective on the date the Agreement ceases to be in force, see section 107(a), (c) of Pub. L. 110–138, set out in a note under section 3805 of this title.

EFFECTIVE AND TERMINATION DATES OF 2005 AMENDMENT

Amendment by Pub. L. 109–53 effective on the date the Dominican Republic–Central America–United States Free Trade Agreement enters into force (Mar. 1, 2006) and to cease to have effect on date Agreement ceases to be in force with respect to the United States, and, during any period in which a country ceases to be a CAFTA–DR country, to cease to have effect with respect to such country, see section 107 of Pub. L. 109–53, set out as an Effective and Termination Dates note under section 4001 of this title.

EFFECTIVE AND TERMINATION DATES OF 2003 AMENDMENT

Amendment by Pub. L. 108–77 effective on the date the United States–Chile Free Trade Agreement enters into force (Jan. 1, 2004), and to cease to be effective on the date the Agreement ceases to be in force, see section 107(a), (c) of Pub. L. 108–77, set out in a note under section 3805 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–295 applicable as of Dec. 8, 1993, see section 3(b) of Pub. L. 104–295, set out as a note under section 1321 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 205(a) of Pub. L. 103–182 effective on the date the North American Free Trade Agreement enters into force with respect to the United States (Jan. 1, 1994), see section 213(b) of Pub. L. 103–182, formerly set out as an Effective Date note under former section 3331 of this title.

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENT

Amendment by Pub. L. 100–449 effective on date United States–Canada Free-Trade Agreement enters into force (Jan. 1, 1989), and to cease to have effect on date Agreement ceases to be in force, see section 501(a), (c) of Pub. L. 100–449, set out in a note under section 2112 of this title.

CONSTRUCTION OF 1993 AMENDMENT

Amendment by section 205(a) of Pub. L. 103–182 to be made after amendment by section 614 of Pub. L. 103–182 is executed, see section 212 of Pub. L. 103–182, formerly set out as a note under section 58c of this title.

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(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 establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

§ 1509. Examination of books and witnesses

(a) Authority

In any investigation or inquiry conducted for the purpose of ascertaining the correctness of any entry, for determining the liability of any person for duty, fees and taxes due or duties, fees and taxes which may be due the United States, for determining liability for fines and penalties, or for insuring compliance with the laws of the United States administered by the United States Customs Service, the Secretary (but no delegate of the Secretary below the rank of district director or special agent in charge) may—

(1) examine, or cause to be examined, upon reasonable notice, any record (which for purposes of this section, includes, but is not limited to, any statement, declaration, document, or electronically generated or machine readable data) described in the notice with reasonable specificity, which may be relevant to such investigation or inquiry, except that—

(A) if such record is required by law or regulation for the entry of the merchandise (whether or not the Customs Service required its presentation at the time of entry) it shall be provided to the Customs Service within a reasonable time after demand for its production is made, taking into consideration the number, type, and age of the item demanded; and

(B) if a person of whom demand is made under subparagraph (A) fails to comply with the demand, the person may be subject to penalty under subsection (g);

(2) summon, upon reasonable notice—

(A) the person who—

(i) imported, or knowingly caused to be imported, merchandise into the customs territory of the United States, or a vehicle producer whose good is subject to a claim of preferential tariff treatment under the USMCA (as defined in section 4502 of this title),

(ii) exported merchandise, or knowingly caused merchandise to be exported, to a USMCA country (as defined in section 4502 of this title) or to Canada during such time as the United States–Canada Free-Trade Agreement is in force with respect to, and the United States applies that Agreement to, Canada,

(iii) transported or stored merchandise that was or is carried or held under cus-