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TITLE 19--CUSTOMS DUTIES

CHAPTER I--UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

PART 163--RECORDKEEPING--Table of Contents

Sec. 163.1 Definitions.

When used in this part, the following terms shall have the meaning indicated:

(a) Records--(1) In general. The term ``records'' means any information made or normally kept in the ordinary course of business that pertains to any activity listed in paragraph (a)(2) of this section. The term includes any information required for the entry of merchandise (the (a)(1)(A) list) and other information pertaining to, or from which is derived, any information element set forth in a collection of information required by the Tariff Act of 1930, as amended, in connection with any activity listed in paragraph (a)(2) of this section. The term includes, but is not limited to, the following: Statements; declarations; documents; electronically generated or machine readable data; electronically stored or transmitted information or data; books; papers; correspondence; accounts; financial accounting data; technical data; computer programs necessary to retrieve information in a usable form; and entry records (contained in the (a)(1)(A) list).

(2) Activities. The following are activities for purposes of paragraph (a)(1) of this section:

- (i) Any importation, declaration or entry;
- (ii) The transportation or storage of merchandise carried or held under bond into or from the customs territory of the United States;
- (iii) The filing of a drawback claim;
- (iv) The completion and signature of a NAFTA Certificate of Origin pursuant to Sec. 181.11(b) of this chapter;
- (v) The collection, or payment to Customs, of duties, fees and taxes; or
- (vi) Any other activity required to be undertaken pursuant to the laws or regulations administered by Customs.

(b) (a)(1)(A) list. See the definition of ``entry records''.

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(c) Audit. ``Audit'' means a Customs regulatory audit verification of information contained in records required to be maintained and produced by persons listed in Sec. 163.2 or pursuant to other applicable laws and regulations administered by Customs but does not include a quantity verification for a customs bonded warehouse or general purpose foreign trade zone. The purpose of an audit is to determine that information submitted or required is accurate, complete and in accordance with laws and regulations administered by Customs.

(d) Certified recordkeeper. A ``certified recordkeeper'' is a person

who is required to keep records under this chapter and who is a participant in the Recordkeeping Compliance Program provided for in Sec. 163.12.

(e) Compliance assessment. A ``compliance assessment'' is a type of importer audit performed by a Customs Compliance Assessment Team which uses various audit techniques, including statistical testing of import and financial transactions, to assess the importer's compliance level in trade areas, to determine the adequacy of the importer's internal controls over its customs operations, and to determine the importer's rates of compliance.

(f) Entry records/(a)(1)(A) list. The terms ``entry records'' and ``(a)(1)(A) list'' refer to records required by law or regulation for the entry of merchandise (whether or not Customs required their presentation at the time of entry). The (a)(1)(A) list is contained in the Appendix to this part.

(g) Inquiry. An ``inquiry'' is any formal or informal procedure, other than an investigation, through which a request for information is made by a Customs officer.

(h) Original. The term ``original'', when used in the context of maintenance of records, has reference to records that are in the condition in which they were made or received by the person responsible for maintaining the records pursuant to 19 U.S.C. 1508 and the provisions of this chapter, including records consisting of the following:

(1) Electronic information which was used to develop other electronic records or paper documents;

(2) Electronic information which is in a readable format such as a facsimile paper format or an electronic or hardcopy spreadsheet;

(3) In the case of a paper record that is part of a multi-part form where all parts of the form are made by the same impression, one of the carbon-copy parts or a facsimile copy or photocopy of one of the parts; and

(4) A copy of a record that was provided to another government agency which retained it, provided that, if required by Customs, a signed statement accompanies the copy certifying it to be a true copy of the record provided to the other government agency.

(i) Party/person. The terms ``party'' and ``person'' refer to a natural person, corporation, partnership, association, or other entity or group.

(j) Summons. ``Summons'' means any summons issued under this part that requires the production of records or the giving of testimony, or both.

(k) Technical data. ``Technical data'' are records which include diagrams and other data with regard to a business or an engineering or exploration operation, whether conducted inside or outside the United States, and whether on paper, cards, photographs, blueprints, tapes, microfiche, film, or other media or in electronic or magnetic storage.

(l) Third-party recordkeeper. ``Third-party recordkeeper'' means any attorney, any accountant or any customs broker other than a customs broker who is the importer of record on an entry.