

information will satisfy the invoice requirement of this part and part 141 of this chapter.

[T.D. 90-92, 55 FR 49886, Dec. 3, 1990, as amended by T.D. 98-56, 63 FR 32945, June 16, 1998]

§ 143.37 Retention of records.

(a) *Record maintenance requirements.* All records received or generated by a broker or importer must be maintained in accordance with part 163 of this chapter.

(b) *Termination of broker's responsibility.* If the broker is discharged by the importer, he shall retain the documentation for those deliveries, entries or entry summaries filed by him prior to such discharge. Documentation in possession of a broker at the time of permanent termination of the brokerage business shall be accounted for pursuant to § 111.30(e) of this chapter.

[T.D. 90-92, 55 FR 49886, Dec. 3, 1990, as amended by T.D. 98-56, 63 FR 32945, June 16, 1998]

§ 143.38 [Reserved]

§ 143.39 Penalties.

(a) *Brokers.* Brokers unable to produce records requested by Customs under this chapter will be subject to disciplinary action or penalties pursuant to part 111 or part 163 of this chapter.

(b) *Importers.* Importers unable to produce records requested by Customs under this chapter will be subject to penalties pursuant to part 163 of this chapter.

[T.D. 98-56, 63 FR 32945, June 16, 1998]

PART 144—WAREHOUSE AND RE-WAREHOUSE ENTRIES AND WITHDRAWALS

Sec.

144.0 Scope.

Subpart A—General Provisions

- 144.1 Merchandise eligible for warehousing.
- 144.2 Liability of importers and sureties.
- 144.3 Allowance for damage.
- 144.4 Allowance for abandoned, destroyed, or exported merchandise.
- 144.5 Period of warehousing.
- 144.6 [Reserved]

- 144.7 Disposition of merchandise after expiration of warehousing period.

Subpart B—Requirements and Procedures for Warehouse Entry

- 144.11 Form of entry.
- 144.12 Contents of entry summary; estimated duties.
- 144.13 Bond requirements.
- 144.14 Removal to warehouse.
- 144.15 Entry and withdrawal from Customs bonded warehouses of distilled spirits.

Subpart C—Transfer of Right To Withdraw Merchandise from Warehouse

- 144.21 Conditions for transfer.
- 144.22 Endorsement of transfer on withdrawal form.
- 144.23 Endorsement in blank.
- 144.24 Transferee's bond.
- 144.25 Deposit of forms.
- 144.26 Further transfer.
- 144.27 Withdrawal from warehouse by transferee.
- 144.28 Protest by transferee.

Subpart D—Withdrawals from Warehouse

- 144.31 Right to withdraw.
- 144.32 Statement of quantity; charges and liens.
- 144.33 Minimum quantities to be withdrawn.
- 144.34 Transfer to another warehouse.
- 144.35 Withdrawal of vessel and aircraft supplies and equipment.
- 144.36 Withdrawal for transportation.
- 144.37 Withdrawal for exportation.
- 144.38 Withdrawal for consumption.
- 144.39 Permit to transfer and withdraw merchandise.

Subpart E—Rewarehouse Entries

- 144.41 Entry for rewarehouse.
- 144.42 Combined entry for rewarehouse and withdrawal for consumption.

AUTHORITY: 19 U.S.C. 66, 1484, 1557, 1559, 1624.

Section 144.3 also issued under 19 U.S.C. 1563;

Section 144.33 also issued under 19 U.S.C. 1562;

Section 144.37 also issued under 19 U.S.C. 1555, 1562.

SOURCE: T.D. 73-175, 38 FR 17464, July 2, 1973, unless otherwise noted.

§ 144.0 Scope.

This part contains regulations pertaining to the entry and withdrawal of merchandise under the provisions of section 557, Tariff Act of 1930, as amended (19 U.S.C. 1557), which among

§ 144.1

19 CFR Ch. I (4-1-09 Edition)

other things provides that articles subject to duty may be entered for warehousing and deposited in a bonded warehouse at the expense and risk of the owner, importer, or consignee, and withdrawn from warehouse for consumption upon payment of duties and charges. The requirements and procedures set forth in this part are in addition to the general requirements and procedures for all entries set forth in part 141 of this chapter. Regulations pertaining to manipulation in warehouse, manufacturing warehouses, and smelting and refining warehouses are set forth in part 19 of this chapter.

Subpart A—General Provisions

§ 144.1 Merchandise eligible for warehousing.

(a) *Types of merchandise.* Any merchandise subject to duty may be entered for warehousing except for perishable merchandise and explosive substances (other than firecrackers). Dangerous and highly flammable merchandise, though not classified as explosive, shall not be entered for warehouse without the written consent of the insurance company insuring the warehouse in which the merchandise is to be stored.

(b) [Reserved]

(c) *Merchandise previously entered.* If merchandise has been entered under other than a warehouse entry and has remained in continuous Customs custody, a warehouse entry may be substituted for the previous entry. If estimated duties were deposited with the superseded previous entry, that entry shall be liquidated for refund of the estimated duties without awaiting liquidation of the warehouse entry. All copies of the warehouse entry shall bear the following notation: This entry is in substitution of _____; entry No. _____, dated _____.

[T.D. 73-175, 38 FR 17464, July 2, 1973, as amended by T.D. 82-204, 47 FR 49376, Nov. 1, 1982; T.D. 84-149, 49 FR 28699, July 16, 1984]

§ 144.2 Liability of importers and sureties.

The importer of merchandise entered for warehouse is liable for the payment

of all unpaid duties not only as principal on the bond filed on Customs Form 301, containing the bond conditions set forth in §113.62 of this chapter, but also by reason of his personal liability as consignee. Under the conditions of the bond, the sureties on the bond shall be held liable for the payment of duties and Customs charges not paid by the principal on the bond, whether such duties and charges are finally ascertained before the merchandise is withdrawn from Customs custody or thereafter. Liability may be transferred in part along with the right to withdraw the merchandise, in accordance with Subpart C of this part.

[T.D. 73-175, 38 FR 17464, July 2, 1973, as amended by T.D. 84-213, 49 FR 41185, Oct. 19, 1984]

§ 144.3 Allowance for damage.

No abatement or allowance of duties shall be made on account of damage, loss, or deterioration of the merchandise while in warehouse, except as provided for by law (see part 158 of this chapter).

§ 144.4 Allowance for abandoned, destroyed, or exported merchandise.

Allowance in duties shall be made for merchandise in warehouse which is abandoned or destroyed in accordance with §158.43 of this chapter or exported in accordance with §144.37.

§ 144.5 Period of warehousing.

Merchandise shall not remain in a bonded warehouse beyond 5 years from the date of importation.

[T.D. 86-118, 51 FR 22516, June 20, 1986]

§ 144.6 [Reserved]

§ 144.7 Disposition of merchandise after expiration of warehousing period.

Merchandise remaining in a bonded warehouse after the expiration of the warehousing period shall be disposed of in accordance with §127.14 of this chapter.

[T.D. 79-221, 44 FR 46828, Aug. 9, 1979]