

chandise subject to ad valorem rates of duty be the final appraised value, and provisions that for the purpose of determining the rate of duty assessed upon any merchandise when the rate is based upon or regulated in any manner by the value of the merchandise, the final appraised value, except as provided in section 1562 of this title, be taken as the value of merchandise.

1953—Subsec. (a). Act Aug. 8, 1953, struck out “and in subdivision (b) of this section” after reference to section 1562 of this title, “the entered value or” after “shall be”, and “whichever is higher” at the end.

Subsecs. (b), (c). Act Aug. 8, 1953, redesignated subsec. (c) as (b). Former subsec. (b), which related to entries pending reappraisal, was repealed by act Aug. 8, 1953.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-417 effective Nov. 1, 1980, and applicable with respect to civil actions pending on or commenced on or after such date, see section 701(a) of Pub. L. 96-417, set out as a note under section 251 of Title 28, Judiciary and Judicial Procedure.

#### 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 1953 AMENDMENT; SAVINGS PROVISION

Amendment by act Aug. 8, 1953, effective on and after the thirtieth day following Aug. 8, 1953, and savings provision, see notes set out under section 1304 of this title.

### § 1503a. Repealed. Aug. 8, 1953, ch. 397, § 18(e), 67 Stat. 518

Section, act July 12, 1932, ch. 473, 47 Stat. 657, related to the construction of former subsection (b) of section 1503 of this title, which was omitted by section 18(d) of act Aug. 8, 1953.

#### EFFECTIVE DATE OF REPEAL; SAVINGS PROVISION

Repeal effective on and after thirtieth day following Aug. 8, 1953, and savings provision, see notes set out under section 1304 of this title.

## § 1504. Limitation on liquidation

### (a) Liquidation

#### (1) Entries for consumption

Unless an entry of merchandise for consumption is extended under subsection (b) of this section or suspended as required by statute or court order, except as provided in section 1675(a)(3) of this title, an entry of merchandise for consumption not liquidated within 1 year from—

(A) the date of entry of such merchandise,  
(B) the date of the final withdrawal of all such merchandise covered by a warehouse entry,

(C) the date of withdrawal from warehouse of such merchandise for consumption if, pursuant to regulations issued under section 1505(a) of this title, duties may be deposited after the filing of any entry or withdrawal from warehouse,

(D) if a reconciliation is filed, or should have been filed, the date of the filing under section 1484 of this title or the date the reconciliation should have been filed, whichever is earlier; or

(E)<sup>1</sup> if a reconfigured entry is filed under an import activity summary statement, the

date the import activity summary statement is filed or should have been filed, whichever is earlier;

shall be deemed liquidated at the rate of duty, value, quantity, and amount of duties asserted by the importer of record. Notwithstanding section 1500(e) of this title, notice of liquidation need not be given of an entry deemed liquidated.

### (2) Entries or claims for drawback

#### (A) In general

Except as provided in subparagraph (B) or (C), unless an entry or claim for drawback is extended under subsection (b) or suspended as required by statute or court order, an entry or claim for drawback not liquidated within 1 year from the date of entry or claim shall be deemed liquidated at the drawback amount asserted by the claimant or claim. Notwithstanding section 1500(e) of this title, notice of liquidation need not be given of an entry deemed liquidated.

#### (B) Unliquidated imports

An entry or claim for drawback whose designated or identified import entries have not been liquidated and become final within the 1-year period described in subparagraph (A), or within the 1-year period described in subparagraph (C), shall be deemed liquidated upon the deposit of estimated duties on the unliquidated imported merchandise, and upon the filing with the Customs Service of a written request for the liquidation of the drawback entry or claim. Such a request must include a waiver of any right to payment or refund under other provisions of law. The Secretary of the Treasury shall prescribe any necessary regulations for the purpose of administering this subparagraph.

#### (C) Exception

An entry or claim for drawback filed before December 3, 2004, the liquidation of which is not final as of December 3, 2004, shall be deemed liquidated on the date that is 1 year after December 3, 2004, at the drawback amount asserted by the claimant at the time of the entry or claim.

### (3) Payments or refunds

Payment or refund of duties owed pursuant to paragraph (1) or (2) shall be made to the importer of record or drawback claimant, as the case may be, not later than 90 days after liquidation.

### (b) Extension

The Secretary of the Treasury may extend the period in which to liquidate an entry if—

(1) the information needed for the proper appraisal or classification of the imported or withdrawn merchandise, or for determining the correct drawback amount, or for ensuring compliance with applicable law, is not available to the Customs Service; or

(2) the importer of record or drawback claimant, as the case may be, requests such extension and shows good cause therefor.

The Secretary shall give notice of an extension under this subsection to the importer of record

<sup>1</sup> See 2004 Amendment notes below.

or drawback claimant, as the case may be, and the surety of such importer of record or drawback claimant. Notice shall be in such form and manner (which may include electronic transmittal) as the Secretary shall by regulation prescribe. Any entry the liquidation of which is extended under this subsection shall be treated as having been liquidated at the rate of duty, value, quantity, and amount of duty asserted by the importer of record, or the drawback amount asserted by the drawback claimant, at the expiration of 4 years from the applicable date specified in subsection (a).

**(c) Notice of suspension**

If the liquidation of any entry is suspended, the Secretary shall by regulation require that notice of the suspension be provided, in such manner as the Secretary considers appropriate, to the importer of record or drawback claimant, as the case may be, and to any authorized agent and surety of such importer of record or drawback claimant.

**(d) Removal of suspension**

Except as provided in section 1675(a)(3) of this title, when a suspension required by statute or court order is removed, the Customs Service shall liquidate the entry, unless liquidation is extended under subsection (b), within 6 months after receiving notice of the removal from the Department of Commerce, other agency, or a court with jurisdiction over the entry. Any entry (other than an entry with respect to which liquidation has been extended under subsection (b)) not liquidated by the Customs Service within 6 months after receiving such notice shall be treated as having been liquidated at the rate of duty, value, quantity, and amount of duty asserted by the importer of record or (in the case of a drawback entry or claim) at the drawback amount asserted by the drawback claimant.

(June 17, 1930, ch. 497, title IV, § 504, as added Pub. L. 95-410, title II, § 209(a), Oct. 3, 1978, 92 Stat. 902; amended Pub. L. 98-573, title I, § 191(d), Oct. 30, 1984, 98 Stat. 2971; Pub. L. 103-182, title VI, § 641, Dec. 8, 1993, 107 Stat. 2204; Pub. L. 103-465, title II, § 220(c), Dec. 8, 1994, 108 Stat. 4865; Pub. L. 104-295, § 3(a)(7), Oct. 11, 1996, 110 Stat. 3516; Pub. L. 108-429, title I, § 1563(e), title II, § 2102, Dec. 3, 2004, 118 Stat. 2585, 2597.)

PRIOR PROVISIONS

A prior section 1504, act June 17, 1930, ch. 497, title IV, § 504, 46 Stat. 732, related to duties on coverings and containers, 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

2004—Pub. L. 108-429, § 2102(2), struck out “at the time of entry” after “duties asserted” in subsec. (a)(1) (concluding provisions), after “asserted by the claimant” in subsec. (a)(2)(A), and after “of duty asserted” and “drawback amount asserted” in subssecs. (b) (concluding provisions) and (d).

Subsec. (a). Pub. L. 108-429, § 2102(1), which directed striking “or” at end of par. (3), substituting “filed, whichever is earlier; or” for “filed;” in par. (4), and adding par. (5) after par. (4), was executed by striking “or” at end of par. (1)(C), substituting “filed, whichever

is earlier; or” for “filed,” in par. (1)(D), and adding the text of par. (5) after par. (1)(D) and editorially redesignating it as par. (1)(E). Pub. L. 108-429, § 2102(1), was technically incapable of execution subsequent to the amendments by Pub. L. 108-429, § 1563(e)(1). See below.

Pub. L. 108-429, § 1563(e)(1), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: “Unless an entry is extended under subsection (b) of this section or suspended as required by statute or court order, except as provided in section 1675(a)(3) of this title, an entry of merchandise not liquidated within one year from:

“(1) the date of entry of such merchandise;

“(2) the date of the final withdrawal of all such merchandise covered by a warehouse entry;

“(3) the date of withdrawal from warehouse of such merchandise for consumption where, pursuant to regulations issued under section 1505(a) of this title, duties may be deposited after the filing of an entry or withdrawal from warehouse; or

“(4) if a reconciliation is filed, or should have been filed, the date of the filing under section 1484 of this title or the date the reconciliation should have been filed;

shall be deemed liquidated at the rate of duty, value, quantity, and amount of duties asserted at the time of entry by the importer of record. Notwithstanding section 1500(e) of this title, notice of liquidation need not be given of an entry deemed liquidated.”

Subsec. (b). Pub. L. 108-429, § 1563(e)(1), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: “The Secretary may extend the period in which to liquidate an entry if—

“(1) the information needed for the proper appraisal or classification of the merchandise, or for insuring compliance with applicable law, is not available to the Customs Service; or

“(2) the importer of record requests such extension and shows good cause therefor.

The Secretary shall give notice of an extension under this subsection to the importer of record and the surety of such importer of record. Notice shall be in such form and manner (which may include electronic transmittal) as the Secretary shall by regulation prescribe. Any entry the liquidation of which is extended under this subsection shall be treated as having been liquidated at the rate of duty, value, quantity, and amount of duty asserted at the time of entry by the importer of record at the expiration of 4 years from the applicable date specified in subsection (a) of this section.”

Subsec. (c). Pub. L. 108-429, § 1563(e)(2), inserted “or drawback claimant, as the case may be,” after “to the importer of record” and “or drawback claimant” after “of such importer of record”.

Subsec. (d). Pub. L. 108-429, § 1563(e)(3), inserted “or (in the case of a drawback entry or claim) at the drawback amount asserted at the time of entry by the drawback claimant” before period at end.

1996—Subsec. (d). Pub. L. 104-295 inserted “, unless liquidation is extended under subsection (b),” after “shall liquidate the entry” in first sentence, and “(other than an entry with respect to which liquidation has been extended under subsection (b))” after “Any entry” in second sentence.

1994—Subsec. (a). Pub. L. 103-465, § 220(c)(1), inserted “except as provided in section 1675(a)(3) of this title,” before “an entry of merchandise not liquidated” in introductory provisions.

Subsec. (d). Pub. L. 103-465, § 220(c)(2), substituted “Except as provided in section 1675(a)(3) of this title, when a suspension” for “When a suspension”.

1993—Subsec. (a). Pub. L. 103-182, § 641(1)(A), substituted “Unless an entry is extended under subsection (b) or suspended as required by statute or court order” for “Except as provided in subsection (b) of this section” in introductory provisions.

Subsec. (a)(4). Pub. L. 103-182, § 641(1)(B)-(D), added par. (4).

Subsec. (b). Pub. L. 103-182, § 641(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as

follows: “The Secretary may extend the period in which to liquidate an entry by giving notice of such extension to the importer of record in such form and manner as the Secretary shall prescribe in regulations, if—

“(1) information needed for the proper appraisal or classification of the merchandise is not available to the appropriate customs officer;

“(2) liquidation is suspended as required by statute or court order; or

“(3) the importer of record requests such extension and shows good cause therefor.”

Subsec. (c). Pub. L. 103-182, §641(2), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “If the liquidation of any entry is suspended, the Secretary shall, by regulation, require that notice of such suspension be provided to the importer of record concerned and to any authorized agent and surety of such importer of record.”

Subsec. (d). Pub. L. 103-182, §641(2), amended subsec. (d) generally. Prior to amendment, subsec. (d) “Limitation” read as follows: “Any entry of merchandise not liquidated at the expiration of four years from the applicable date specified in subsection (a) of this section, shall be deemed liquidated at the rate of duty, value, quantity, and amount of duty asserted at the time of entry by the importer of record, unless liquidation continues to be suspended as required by statute or court order. When such a suspension of liquidation is removed, the entry shall be liquidated within 90 days therefrom.”

1984—Subsec. (a). Pub. L. 98-573, §191(d)(1), substituted “importer of record” for “importer, his consignee, or agent” in provisions following par. (3).

Subsec. (b). Pub. L. 98-573, §191(d)(2), substituted “importer of record” for “importer, his consignee, or agent” in provisions preceding par. (1), and substituted “importer of record” for “importer, consignee, or his agent” in par. (3).

Subsec. (c). Pub. L. 98-573, §191(d)(3), substituted “importer of record” for “importer or consignee” in two places.

Subsec. (d). Pub. L. 98-573, §191(d)(4), substituted “importer of record” for “importer, his consignee, or agent”.

#### EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-429, title I, §1563(g)(2), Dec. 3, 2004, 118 Stat. 2587, provided that: “The amendments made by subsection (e) [amending this section] shall take effect on the date of the enactment of this Act [Dec. 3, 2004], and shall apply to—

“(A) any entry of merchandise for consumption or entry or claim for drawback filed on and after such date of enactment; and

“(B) any entry or claim for drawback filed before such date of enactment if the liquidation of the entry or claim is not final on such date of enactment.”

Amendment by section 2102 of Pub. L. 108-429 applicable to merchandise entered, or withdrawn from warehouse for consumption, on or after the 15th day after Dec. 3, 2004, see section 2103 of Pub. L. 108-429, set out as a note under section 1401 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 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective, except as otherwise provided, on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995], and applicable with respect to investigations, reviews, and inquiries initiated and petitions filed under specified provisions of this chapter after such date, see section 291 of Pub. L. 103-465, set out as a note under section 1671 of this title.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-573 applicable with respect to articles entered on or after 15th day after Oct. 30,

1984, see section 195(a) of Pub. L. 98-573, set out as a note under section 1322 of this title.

#### EFFECTIVE DATE

Pub. L. 95-410, title II, §209(b), Oct. 3, 1978, 92 Stat. 903, provided that: “The amendment made by this section [enacting this section] applies to the entry or withdrawal of merchandise for consumption on or after 180 days after the enactment of this Act [Oct. 3, 1978].”

#### 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.

### § 1505. Payment of duties and fees

#### (a) Deposit of estimated duties and fees

Unless the entry is subject to a periodic payment referred to in this subsection or the merchandise is entered for warehouse or transportation, or under bond, the importer of record shall deposit with the Customs Service at the time of entry, or at such later time as the Secretary may prescribe by regulation (but not later than 12 working days after entry or release) the amount of duties and fees estimated to be payable on such merchandise. As soon as a periodic payment module of the Automated Commercial Environment is developed, but no later than October 1, 2004, the Secretary shall promulgate regulations, after testing the module, permitting a participating importer of record to deposit estimated duties and fees for entries of merchandise, other than merchandise entered for warehouse, transportation, or under bond, no later than the 15 working days following the month in which the merchandise is entered or released, whichever comes first.

#### (b) Collection or refund of duties, fees, and interest due upon liquidation or reliquidation

The Customs Service shall collect any increased or additional duties and fees due, together with interest thereon, or refund any excess moneys deposited, together with interest thereon, as determined on a liquidation or reliquidation. Duties, fees, and interest determined to be due upon liquidation or reliquidation are due 30 days after issuance of the bill for such payment. Refunds of excess moneys deposited, together with interest thereon, shall be paid within 30 days of liquidation or reliquidation.

#### (c) Interest

Interest assessed due to an underpayment of duties, fees, or interest shall accrue, at a rate determined by the Secretary, from the date the importer of record is required to deposit estimated duties, fees, and interest to the date of liquidation or reliquidation of the applicable entry or reconciliation. Interest on excess moneys deposited shall accrue, at a rate determined by the Secretary, from the date the importer of record deposits estimated duties, fees, and interest or, in a case in which a claim is made under