



# RECORD KEEPING REQUIREMENTS

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Import recordkeeping requirements are described in the Customs and Border Protection (CBP) regulations (CFR19 §163). These regulations set forth recordkeeping requirements, including maintenance, production, inspection, examination of records, and the penalties for failure to comply. The maintenance of records is necessary for the purposes of ascertaining the accuracy of entry data, determining liability for duties, fees, and taxes and for determining liability for fines, penalties and forfeitures related to import compliance.

## PERSONS REQUIRED TO MAINTAIN RECORDS

Import regulations require records to be maintained by an owner, importer, consignee, importer of record, or entry filer or other person who:

- imports merchandise into the customs territory of the United States, files a Drawback claim, or transports or stores merchandise carried or held under bond;
- knowingly causes the importation, transportation, or storage of merchandise carried or held under bond into or from the customs territory of the United States;
- is an agent or a person filing a declaration of entry;
- is a third-party record keeper including Customs Brokers, accountants or attorneys.

## WHAT RECORDS MUST BE MAINTAINED

The records required to be maintained include any information required for the entry of merchandise into the U.S. and those business records that are normally kept in the ordinary course of business. Those records include, but are not limited to:

- statements, declarations, and documents
- electronically generated or machine-readable data
- books, papers and correspondence
- technical data
- financial accounting data
- entry records contained on the "(a)(1)(A)" list. ([See CBP Recordkeeping ICP, Appendix1](#))



Records are further defined as any information which pertains directly or indirectly to the importation of goods. Those activities are:

- any importation, declaration or entry
- any importation subject to a Partnering/Other Government Agency (OGA/PGA)
- transportation or storage of merchandise carried or held under bond into or from the Customs territory of the United States
- filing of a drawback claim
- any import or export to or from a USMCA country
- collection or payment of fees and taxes to Customs;
- Any other activity required to be undertaken pursuant to the laws or regulations administered by CBP.

The records shall be sufficiently detailed to:

- establish the right to make entry
- establish the correctness of the entry
- determine the liability for duties, fees and taxes
- determine the liability for fines, penalties, and forfeitures
- determine compliance with CBP laws and regulations
- establish compliance with OGA/PGA requirements

## RECORD RETENTION PERIOD

The records required above are required to be retained for five (5) years from the date of entry. Retention exceptions include:

- The USMCA or other Trade Agreement Certificate of Origin shall be retained for five (5) years from the date of signature.
- Drawback Claims shall be kept until the third anniversary of the date of payment of the claim.

## METHOD FOR STORAGE OF RECORDS

Unless the defined recordkeeper has been approved for an alternative storage method, all records must be maintained as originals, whether paper or electronic. Standard methods of storage that are in compliance with generally accepted business standards will generally satisfy CBP requirements. The records must be capable of being retrieved upon lawful request or demand from CBP. (CFR19 §163.5)



## CUSTOMS AUTHORITY TO EXAMINE RECORDS

The examination of records by CBP is authorized by 19 U.S.C. 1509. This gives CBP the authority to examine records to ensure compliance with import laws and regulations.

## TIME REQUIREMENT FOR PRODUCING RECORDS

Customs may require the production of entry records by any person who is required to maintain those records, even if the entry records were required at the time of entry. The entry records shall be produced within 30 calendar days of receipt of the demand. Should any person from whom CBP has demanded entry records foresee the inability to comply timely with the demand, they must notify CBP in writing before expiration of the 30-day period.

## FAILURE TO PRODUCE RECORDS

Failure to produce records upon lawful demand will result in severe penalties. The penalties assessed take into account the degree of compliance, the nature of the demand, and the cooperation of the record keeper. Penalties for failure to comply include:

- The willful failure to maintain, store or retrieve a demanded record will result in a penalty not to exceed \$100,000 or an amount equal to 75% of the appraised value of the merchandise; whichever amount is less
- Negligent failure to maintain, store or retrieve a demanded record will result in a penalty not to exceed \$10,000 or an amount equal to 40% of the appraised value of the merchandise, whichever amount is less.

When CBP requests entry records, they will only provide the Customs Entry Number. Therefore, in order to be able to provide the records to CBP timely, we highly recommend that importers maintain their import entry records by the CBP Entry Number or have the ability to search their file system by the Entry Number.

For further assistance, or to request a review of your current procedure, please reach out to our Consulting Team at [compliance@medey.com](mailto:compliance@medey.com).

For full details on recordkeeping requirements, refer to the CBP Recordkeeping Informed Compliance Publication (ICP): <https://www.cbp.gov/document/publications/recordkeeping>