

**PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.****Subpart A—General Provisions**

## ARTICLES EXPORTED AND RETURNED

Sec.

- 10.1 Domestic products; requirements on entry.
- 10.3 Drawback; internal-revenue tax.
- 10.4 Internal-revenue marks; erasure.
- 10.5 Shooks and staves; cloth boards; port director's account.
- 10.6 Shooks and staves; claim for duty exemption.
- 10.7 Substantial containers or holders.
- 10.8 Articles exported for repairs or alterations.
- 10.8a Imported articles exported and re-imported.
- 10.9 Articles exported for processing.
- 10.10 [Reserved]

## ARTICLES ASSEMBLED ABROAD WITH UNITED STATES COMPONENTS

- 10.11 General.
- 10.12 Definitions.
- 10.13 Statutory provision: Subheading 9802.00.80, Harmonized Tariff Schedule of the United States (19 U.S.C. 1202).
- 10.14 Fabricated components subject to the exemption.
- 10.15 Fabricated components not subject to the exemption.
- 10.16 Assembly abroad.
- 10.17 Valuation of exempted components.
- 10.18 Valuation of assembled articles.
- 10.19–10.20 [Reserved]
- 10.21 Updating cost data and other information.
- 10.23 Standards, quotas, and visas.
- 10.24 Documentation.
- 10.25 Textile components cut to shape in the United States and assembled abroad.
- 10.26 Articles assembled or processed in a beneficiary country in whole of U.S. components or ingredients; articles assembled in a beneficiary country from textile components cut to shape in the United States.

## FREE ENTRY—ARTICLES FOR THE USE OF FOREIGN MILITARY PERSONNEL

- 10.30c [Reserved]

## TEMPORARY IMPORTATIONS UNDER BOND

- 10.31 Entry; bond.
- 10.33 Theatrical effects.
- 10.35 Models of women's wearing apparel.
- 10.36 Commercial travelers' samples; professional equipment and tools of trade; theatrical effects and other articles.
- 10.36a Vehicles, pleasure boats and aircraft brought in for repair or alteration.

- 10.37 Extension of time for exportation.
- 10.38 Exportation.
- 10.39 Cancellation of bond charges.
- 10.40 Refund of cash deposits.

## INTERNATIONAL TRAFFIC

- 10.41 Instruments; exceptions.
- 10.41a Lift vans, cargo vans, shipping tanks, skids, pallets, and similar instruments of international traffic; repair components.
- 10.41b Clearance of serially numbered substantial holders or outer containers.

## ARTICLES FOR INSTITUTIONS

- 10.43 Duty-free status.
- 10.46 Articles for the United States.
- 10.47 [Reserved]

## WORKS OF ART

- 10.48 Engravings, sculptures, etc.
- 10.49 Articles for exhibition; requirements on entry.
- 10.50 [Reserved]
- 10.52 Painted, colored or stained glass windows for religious institutions.
- 10.53 Antiques.
- 10.54 Gobelin and other hand-woven tapestries.

## VEGETABLE OILS

- 10.56 Vegetable oils, denaturing; release.

## POTATOES, CORN, OR MAIZE

- 10.57 Certified seed potatoes, and seed corn or maize.

## BOLTING CLOTHS

- 10.58 Bolting cloths; marking.

## WITHDRAWAL OF SUPPLIES AND EQUIPMENT FOR VESSELS

- 10.59 Exemption from customs duties and internal-revenue tax.
- 10.60 Forms of withdrawals; bond.
- 10.61 Withdrawal permit.
- 10.62 Bunker fuel oil.
- 10.62a Blanket withdrawals for certain merchandise.
- 10.62b Aircraft turbine fuel.
- 10.63 Landing of supplies and stores from receiving vessel in the United States.
- 10.64 Crediting or cancellation of bonds.
- 10.64a [Reserved]
- 10.65 Cigars and cigarettes.

## ARTICLES EXPORTED FOR EXHIBITION, ETC.

- 10.66 Articles exported for temporary exhibition and returned; horses exported for horse racing and returned; procedure on entry.
- 10.67 Articles exported for scientific or educational purposes and returned; procedure on entry.

**Pt. 10**

**19 CFR Ch. I (4-1-05 Edition)**

**THEATRICAL EFFECTS, MOTION-PICTURE FILMS, COMMERCIAL TRAVELERS' SAMPLES, AND TOOLS OF TRADE**

- 10.68 Procedure.
- 10.69 Samples to Great Britain and Ireland under reciprocal agreement.

**ANIMALS AND BIRDS**

- 10.70 Purebred animals for breeding purposes; certificate.
- 10.71 Purebred animals; bond for production of evidence; deposit of estimated duties; stipulation.
- 10.72-10.73 [Reserved]
- 10.74 Animals straying across boundary for pasturage; offspring.
- 10.75 Wild animals and birds; zoological collections.
- 10.76 Game animals and birds.
- 10.77 [Reserved]

**PRODUCTS OF AMERICAN FISHERIES**

- 10.78 Entry.
- 10.79 [Reserved]

**SALT FOR CURING FISH**

- 10.80 Remission of duty; withdrawal; bond.
- 10.81 Use in any port.
- 10.82 [Reserved]
- 10.83 Bond; cancellation; extension.

**AUTOMOTIVE PRODUCTS**

- 10.84 Automotive vehicles and articles for use as original equipment in the manufacture of automotive vehicles.

**MASTER RECORDS, AND METAL MATRICES**

- 10.90 Master records and metal matrices.

**PROTOTYPES**

- 10.91 Prototypes used exclusively for product development and testing.
- 10.92-10.97 [Reserved]

**FLUXING MATERIAL**

- 10.98 Copper-bearing fluxing material.

**ETHYL ALCOHOL**

- 10.99 Importation of ethyl alcohol for non-beverage purposes.

**UNITED STATES GOVERNMENT IMPORTATIONS**

- 10.100 Entry, examination, and tariff status.
- 10.101 Immediate delivery.
- 10.102 Duty-free entries.
- 10.103 American goods returned.
- 10.104 Temporary importation entries for United States Government agencies.

**WHEAT**

- 10.106 [Reserved]

**RESCUE AND RELIEF WORK**

- 10.107 Equipment and supplies; admission.

**PRODUCTS EXPORTED UNDER LEASE AND REIMPORTED**

- 10.108 Entry of reimported articles exported under lease.

**STRATEGIC MATERIALS OBTAINED BY BARTER OR EXCHANGE**

- 10.110 [Reserved]

**LATE FILING OF FREE ENTRY AND REDUCED DUTY DOCUMENTS**

- 10.112 Filing free entry documents or reduced duty documents after entry.

**INSTRUMENTS AND APPARATUS FOR EDUCATIONAL AND SCIENTIFIC INSTITUTIONS**

- 10.114 General provisions.
- 10.115-10.119 [Reserved]

**VISUAL OR AUDITORY MATERIALS**

- 10.121 Visual or auditory materials of an educational, scientific, or cultural character.

**RATE OF DUTY DEPENDENT UPON ACTUAL USE**

- 10.131 Circumstances in which applicable.
- 10.132 [Reserved]
- 10.133 Conditions required to be met.
- 10.134 Declaration of intent.
- 10.135 Deposit of duties.
- 10.136 Suspension of liquidation.
- 10.137 Records of use.
- 10.138 Proof of use.
- 10.139 Liquidation.

**IMPORTATIONS NOT OVER \$200 AND BONA FIDE GIFTS**

- 10.151 Importations not over \$200.
- 10.152 Bona-fide gifts.
- 10.153 Conditions for exemption.

**GENERALIZED SYSTEM OF PREFERENCES**

- 10.171 General.
- 10.172 Claim for exemption from duty under the Generalized System of Preferences.
- 10.173 Evidence of country of origin.
- 10.174 Evidence of direct shipment.
- 10.175 Imported directly defined.
- 10.176 Country of origin criteria.
- 10.177 Cost or value of materials produced in the beneficiary developing country.
- 10.178 Direct costs of processing operations performed in the beneficiary developing country.
- 10.178a Special duty-free treatment for sub-Saharan African countries.

**CANADIAN CRUDE PETROLEUM**

- 10.179 Canadian crude petroleum subject to a commercial exchange agreement between United States and Canadian refiners.

## CERTAIN FRESH, CHILLED, OR FROZEN BEEF

10.180 Certification.

WATCHES AND WATCH MOVEMENTS FROM U.S.  
INSULAR POSSESSIONS

10.181–10.182 [Reserved]

## CIVIL AIRCRAFT

10.183 Duty-free entry of civil aircraft, aircraft engines, ground flight simulators, parts, components, and subassemblies.

**Subpart B—Caribbean Basin Initiative**

10.191 General.  
10.192 Claim for exemption from duty under the CBI.  
10.193 Imported directly.  
10.194 Evidence of direct shipment.  
10.195 Country of origin criteria.  
10.196 Cost or value of materials produced in a beneficiary country or countries.  
10.197 Direct costs of processing operations performed in a beneficiary country or countries.  
10.198 Evidence of country of origin.  
10.198a Duty reduction for certain leather-related articles.  
10.198b Products of Puerto Rico processed in a beneficiary country.  
10.199 Duty-free entry for certain beverages produced in Canada from Caribbean rum.

**Subpart C—Andean Trade Preference**

10.201 Applicability.  
10.202 Definitions.  
10.203 Eligibility criteria in general.  
10.204 Imported directly.  
10.205 Country of origin criteria.  
10.206 Value content requirement.  
10.207 Procedures for filing duty-free treatment claim and submitting supporting documentation.

**Subpart D—Textile and Apparel Articles Under the African Growth and Opportunity Act**

10.211 Applicability.  
10.212 Definitions.  
10.213 Articles eligible for preferential treatment.  
10.214 Certificate of Origin.  
10.215 Filing of claim for preferential treatment.  
10.216 Maintenance of records and submission of Certificate by importer.  
10.217 Verification and justification of claim for preferential treatment.

**Subpart E—United States-Caribbean Basin Trade Partnership Act**TEXTILE AND APPAREL ARTICLES UNDER THE  
UNITED STATES-CARIBBEAN BASIN TRADE  
PARTNERSHIP ACT

10.221 Applicability.  
10.222 Definitions.  
10.223 Articles eligible for preferential treatment.  
10.224 Certificate of Origin.  
10.225 Filing of claim for preferential treatment.  
10.226 Maintenance of records and submission of Certificate by importer.  
10.227 Verification and justification of claim for preferential treatment.  
10.228 Additional requirements for preferential treatment of brassieres.

NON-TEXTILE ARTICLES UNDER THE UNITED  
STATES-CARIBBEAN BASIN TRADE PARTNER-  
SHIP ACT

10.231 Applicability.  
10.232 Definitions.  
10.233 Articles eligible for preferential tariff treatment.  
10.234 Certificate of Origin.  
10.235 Filing of claim for preferential tariff treatment.  
10.236 Maintenance of records and submission of Certificate by importer.  
10.237 Verification and justification of claim for preferential tariff treatment.

**Subpart F—Andean Trade Promotion and Drug Eradication Act**APPAREL AND OTHER TEXTILE ARTICLES  
UNDER THE ANDEAN TRADE PROMOTION AND  
DRUG ERADICATION ACT

10.241 Applicability.  
10.242 Definitions.  
10.243 Articles eligible for preferential treatment.  
10.244 Certificate of Origin.  
10.245 Filing of claim for preferential treatment.  
10.246 Maintenance of records and submission of Certificate by importer.  
10.247 Verification and justification of claim for preferential treatment.  
10.248 Additional requirements for preferential treatment of brassieres.

EXTENSION OF ATPA BENEFITS TO TUNA AND  
CERTAIN OTHER NON-TEXTILE ARTICLES

10.251 Applicability.  
10.252 Definitions.  
10.253 Articles eligible for preferential treatment.  
10.254 Certificate of Origin.  
10.255 Filing of claim for preferential treatment.  
10.256 Maintenance of records and submission of Certificate by importer.

10.257 Verification and justification of claim for preferential treatment.

**Subpart G—United States-Canada Free Trade Agreement**

10.301 Scope and applicability.  
 10.302 Eligibility criteria in general.  
 10.303 Originating goods.  
 10.304 Exclusions.  
 10.305 Value content requirement.  
 10.306 Direct shipment to the United States.  
 10.307 Documentation.  
 10.308 Records retention.  
 10.309 Verification of documentation.  
 10.310 Election to average for motor vehicles.  
 10.311 Documentation for election to average for motor vehicles.

**Subpart H—United States-Chile Free Trade Agreement**

GENERAL PROVISIONS

10.401 Scope.  
 10.402 General definitions.

IMPORT REQUIREMENTS

10.410 Filing of claim for preferential tariff treatment upon importation.  
 10.411 Certification of origin.  
 10.412 Importer obligations.  
 10.413 Validity of certification.  
 10.414 Certification not required.  
 10.415 Maintenance of records.  
 10.416 Effect of noncompliance; failure to provide documentation regarding transshipment.

TARIFF PREFERENCE LEVEL

10.420 Filing of claim for tariff preference level.  
 10.421 Goods eligible for tariff preference claims.  
 10.422 Submission of certificate of eligibility.  
 10.423 Certificate of eligibility not required.  
 10.424 Effect of noncompliance; failure to provide documentation regarding transshipment of non-originating cotton or man-made fiber fabric or apparel goods.  
 10.425 Transit and transshipment of non-originating cotton or man-made fiber fabric or apparel goods.

EXPORT REQUIREMENTS

10.430 Export requirements.  
 10.431 Failure to comply with requirements.

POST-IMPORTATION DUTY REFUND CLAIMS

10.440 Right to make post-importation claim and refund duties.  
 10.441 Filing procedures.  
 10.442 CBP processing procedures.

RULES OF ORIGIN

10.450 Definitions.  
 10.451 Originating goods.  
 10.452 Exclusions.  
 10.453 Treatment of textile and apparel sets.  
 10.454 Regional value content.  
 10.455 Value of materials.  
 10.456 Accessories, spare parts or tools.  
 10.457 Fungible goods and materials.  
 10.458 Accumulation.  
 10.459 De minimis.  
 10.460 Indirect materials.  
 10.461 Retail packaging materials and containers.  
 10.462 Packing materials and containers for shipment.  
 10.463 Transit and transshipment.

ORIGIN VERIFICATIONS AND DETERMINATIONS

10.470 Verification and justification of claim for preferential treatment.  
 10.471 Special rule for verification in Chile of U.S. imports of textile and apparel products.  
 10.472 Verification in the United States of textile and apparel goods.  
 10.473 Issuance of negative origin determinations.  
 10.474 Repeated false or unsupported preference claims.

PENALTIES

10.480 General.  
 10.481 Corrected declaration by importers.  
 10.482 Corrected certification of origin by exporters or producers.  
 10.483 Framework for correcting declarations and certifications.

GOODS RETURNED AFTER REPAIR OR ALTERATION

10.490 Goods re-entered after repair or alteration in Chile.

AUTHORITY: 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 3314;

Section 10.17 also issued under 19 U.S.C. 1401a, 1402;

Sections 10.25 and 10.26 also issued under 19 U.S.C. 3592;

Sections 10.41, 10.41a, 10.107 also issued under 19 U.S.C. 1322;

Section 10.41b also issued under 19 U.S.C. 1202 (Chapter 98, Subchapter III, U.S. Note 3, HTSUS);

Section 10.53 also issued under 16 U.S.C. 1521, *et seq.*;

Section 10.59 also issued under 19 U.S.C. 1309, 1317;

Sections 10.61, 10.62, 10.63, 10.64, 10.64a also issued under 19 U.S.C. 1309;

Sections 10.62a, 10.65 also issued under 19 U.S.C. 1309, 1317, 1555, 1556, 1557, 1646a;

§ 10.62b also issued under 19 U.S.C. 1557;

Sections 10.70, 10.71 also issued under 19 U.S.C. 1486;

Sections 10.80, 10.81, 10.82, 10.83 also issued under 19 U.S.C. 1313 (e) and (i);

Section 10.91 also issued under Pub. L. 106-476 (114 Stat. 2101), sections 1434, 1435;

Sections 10.171 through 10.178a also issued under 19 U.S.C. 2461 *et seq.*;

Section 10.183 also issued under 19 U.S.C. 1202 (General Note 6, HTSUS);

Sections 10.191 through 10.199 also issued under 19 U.S.C. 2701 *et seq.*;

Sections 10.201 through 10.207 also issued under 19 U.S.C. 3203;

Sections 10.211 through 10.217 also issued under 19 U.S.C. 3721;

Sections 10.221 through 10.228 and §§ 10.231 through 10.237 also issued under 19 U.S.C. 2701 *et seq.*

Sections 10.241 through 10.248 and §§ 10.251 through 10.257 also issued under 19 U.S.C. 3203.

Sections 10.401 through 10.490 also issued under Pub. L. 108-77, 117 Stat. 909 (19 U.S.C. 3805 note).

SOURCE: 28 FR 14663, Dec. 31, 1963, unless otherwise noted.

**Subpart A—General Provisions**

ARTICLES EXPORTED AND RETURNED

**§ 10.1 Domestic products; requirements on entry.**

(a) Except as otherwise provided for in paragraph (g), (h), (i) or (j) of this section or elsewhere in this part or in §145.35 of this chapter, the following documents shall be filed in connection with the entry of articles in a shipment valued over \$2,000 and claimed to be free of duty under subheading 9801.00.10 or 9802.00.20, Harmonized Tariff Schedule of the United States (HTSUS):

(1) A declaration by the foreign shipper in substantially the following form:

I, \_\_\_\_\_, declare that to the best of my knowledge and belief the articles herein specified were exported from the United States, from the port of \_\_\_\_\_ on or about \_\_\_\_\_, 19\_\_\_\_, and that they are returned without having been advanced in value or improved in condition by any process of manufacture or other means.

Marks	Number	Quantity	Description	Value, in U.S. coin
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	(Date)	.....	.....	(Signature)
.....	(Address)	.....	.....	(Capacity)

(2) A declaration by the owner, importer, consignee, or agent having knowledge of the facts regarding the claim for free entry. If the owner or ultimate consignee is a corporation, such declaration may be signed by the president, vice president, secretary, or treasurer of the corporation, or may be signed by any employee or agent of the corporation who holds a power of attorney executed under the conditions outlined in subpart C, part 141 of this chapter and a certification by the corporation that such employee or other agent has or will have knowledge of the pertinent facts. This declaration shall be in substantially the following form:

I, \_\_\_\_\_, declare that the (above) (attached) declaration by the foreign shipper is true and correct to the best of my knowledge and belief, that the articles were manufactured by

\_\_\_\_\_ (name of manufacturer) located in \_\_\_\_\_ (city and state), that the articles were not manufactured or produced in the United States under subheading 9813.00.05, HTSUS, and that the articles were exported from the United States without benefit of drawback.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Capacity)

(b) In any case in which the value of the returned articles exceeds \$2,000 and the articles are not clearly marked with the name and address of the U.S. manufacturer, the port director may require, in addition to the declarations

## § 10.1

## 19 CFR Ch. I (4-1-05 Edition)

required in paragraph (a) of this section, such other documentation or evidence as may be necessary to substantiate the claim for duty-free treatment. Such other documentation or evidence may include a statement from the U.S. manufacturer verifying that the articles were made in the United States, or a U.S. export invoice, bill of lading or airway bill evidencing the U.S. origin of the articles and/or the reason for the exportation of the articles.

(c) A certificate from the master of a vessel stating that products of the United States are returned without having been unladen from the exporting vessel may be accepted in lieu of the declaration of the foreign shipper required by paragraph (a)(1) of this section.

(d) If the port director is reasonably satisfied, because of the nature of the articles or production of other evidence, that the articles are imported in circumstances meeting the requirements of subheading 9801.00.10 or 9802.00.20, HTSUS, and related section and additional U.S. notes, he may waive the requirements for producing the documents specified in paragraph (a) of this section.

(e) No evidence relative to the conditions of subheading 9801.00.10, HTSUS, shall be required in the case of articles the product of the U.S. in use at the time of importation as the usual coverings or containers of merchandise not subject to an ad valorem rate of duty unless such articles would be dutiable if not products of the U.S. under General Rule of Interpretation 5, HTSUS.

(f) In the case of photographic films and dry plates manufactured in the United States (except motion picture films to be used for commercial purposes) exposed abroad and entered under subheading 9802.00.20, HTSUS, the requirements of paragraphs (a) and (c) of this section are applicable except that the declaration by the foreign shipper provided for in paragraph (a)(1) to the effect that the articles "are returned without having been advanced in value or improved in condition by any process of manufacture or other means" shall be crossed out, and the entrant shall show on the declaration

provided for in paragraph (a)(2) that the subject articles when exported were of U.S. manufacture and are returned after having been exposed, or exposed and developed, and, in the case of motion picture films, that they will not be used for commercial purposes.

(g) *Aircraft and aircraft parts and equipment.* (1) In the case of aircraft and aircraft parts and equipment returned to the United States under subheading 9801.00.10, HTSUS, by or for the account of an aircraft owner or operator and intended for use in his own aircraft operations, within or outside the United States, the entry summary may be made on Customs Form 3311. The entry summary on Customs Form 3311 shall be executed by the entrant and supported by the entry documentation required by §142.3 of this chapter. If the Customs officer is satisfied that the articles are products of the United States, that they have not been improved in condition or advanced in value while abroad, and that no drawback has been or will be paid, the other documents described in this section shall not be required, and no bond need be filed for their production.

(2) The entrant shall show on Customs Form 3311:

(i) The name and address of the aircraft owner or operator by whom or for whose account the articles are returned to the United States, in the block headed "Articles Returned To (Name and Address)";

(ii) The name of the importing vessel or conveyance,

(iii) The date of its arrival,

(iv) A description of the articles,

(v) The value of the articles, and

(vi) That the articles are intended for use by the aircraft owner or operator in his own aircraft operations.

(3) If Customs Form 3311 is filed at time of entry, it shall serve as both the entry and the entry summary.

(h) *Nonconsumable vessel stores and equipment.* (1) In the case of nonconsumable vessel stores and equipment returned to the United States under subheading 9801.00.10, HTSUS, the entry summary may be made on Customs Form 3311. The entry summary on Customs Form 3311 shall be executed in duplicate by the entrant

and supported by the entry documentation required by §142.3 of this chapter. Before an entry summary on Customs Form 3311 may be accepted for nonconsumable vessel stores and equipment, the Customs officer shall be satisfied that:

(i) The articles are products of the United States.

(ii) The articles have not been improved in condition or advanced in value while abroad.

(iii) No drawback has been or will be paid, and

(iv) No duty equal to an internal revenue tax is payable under subheading 9801.00.80, HTSUS.

(2) The documentation described in paragraph (a) of this section shall not be required in connection with an entry for nonconsumable vessel stores and equipment on Customs Form 3311.

(3) To satisfy the Customs officer that no drawback has been or will be paid on the articles in connection with their removal from the United States, the master of the vessel or other person having knowledge of the facts shall furnish a written declaration which may be made on the reverse side of Customs Form 3311 showing that the articles were:

(i) Exported as stores or equipment on a United States vessel or a vessel operated by the United States Government,

(ii) Not landed in a foreign country, except for any needed repairs, adjustments, or refilling and return to the vessel from which landed or,

(iii) For transshipment as stores or equipment to another vessel.

(4) The entrant also shall show:

(i) The name of the importing vessel,

(ii) The date of its arrival,

(iii) A description of the articles, and

(iv) The value of the articles.

(5) If Customs Form 3311 is filed at time of entry, it shall serve as both the entry and the entry summary.

(i) When the total value of articles of claimed American origin contained in any shipment does not exceed \$250 and such articles are found to be unquestionably products of the United States and do not appear to have been advanced in value or improved in condition while abroad and no quota is involved, free entry thereof may be made

under subheading 9801.00.10 on Customs Form 3311, executed by the owner, importer, consignee, or agent and filed in duplicate, without regard to the requirement of filing the documentation provided for in paragraph (a) of this section, unless the Customs officer has reason to believe that Customs drawback or exemption from internal revenue tax, or both, were probably allowed on exportation of the articles or that they are otherwise subject to duty. The entrant shall show on Customs Form 3311 the name of the importing conveyance, the date of its arrival, the name of the country from which the articles were returned to the United States, and the value of the articles. The entrant shall also produce evidence of his right to make entry (except as provided in §141.11(b) of this chapter). If the Customs officer is not entirely certain that the articles to be entered under this paragraph by a nominal consignee are products of the United States, the actual owner or ultimate consignee thereof may be required to execute a Customs Form 3311.

(j) In the case of products of the United States, when the aggregate value of the shipment does not exceed \$10,000 and the products are imported—

(1) For the purposes of repair or alteration, prior to reexportation, or

(2) After having been either rejected or returned by the foreign purchaser to the United States for credit, free entry thereof may be made under subheading 9801.00.10, HTSUS, on Customs Form 3311 (a Customs Form 7501 must be submitted as well for such articles as provided in §143.23(h) of this chapter), executed by the owner, importer, consignee, or agent and filed in duplicate, without regard to the requirement of filing the documentation provided for in paragraph (a) of this section, unless the Customs officer has reason to believe that Customs drawback or exemption from internal revenue tax, or both, were probably allowed on exportation of the articles or that they are otherwise subject to duty. The person making entry shall show on Customs Form 3311 the name of the importing conveyance, the date of its arrival, the name of the country from which the articles were returned to the United States, and the value of the articles.

### § 10.3

### 19 CFR Ch. I (4-1-05 Edition)

The person making entry shall also produce evidence of his right to make entry (except as provided in §141.11(b) of this chapter). If the Customs officer is not entirely certain that the articles to be entered under this paragraph by a nominal consignee are products of the United States, the actual owner or ultimate consignee thereof may be required to execute a Customs Form 3311.

[T.D. 72-119, 37 FR 8867, May 2, 1972 as amended by T.D. 78-99, 43 FR 13060, Mar. 29, 1978; 43 FR 20003, May 10, 1978; T.D. 79-221, 44 FR 46812, Aug. 9, 1979; T.D. 83-82, 48 FR 14596, Apr. 5, 1983; T.D. 89-1, 53 FR 51246, Dec. 21, 1988; T.D. 94-47, 59 FR 25566, May 17, 1994; T.D. 97-82, 62 FR 51769, Oct. 3, 1997; T.D. 98-28, 63 FR 16416, Apr. 3, 1998]

#### § 10.3 Drawback; internal-revenue tax.

(a) Except as prescribed in §10.1(f) or in paragraphs (c) and (f) of this section, no free entry shall be allowed under Chapter 98, Subchapter 1, Harmonized Tariff Schedule of the United States (HTSUS), in the final liquidation of an entry unless the port director is satisfied by the certificate of exportation or other evidence or information that no drawback was allowed in connection with the exportation from the United States, and unless no internal-revenue tax is imposed on the importation of like articles not previously exported from the United States or, if such tax is being imposed at the time of entry for consumption or withdrawal from warehouse for consumption, the port director is satisfied that an internal-revenue tax on production or importation was paid in respect of the imported article before it was exported from the United States and was not refunded. Except as provided for in §10.1(f), when it is impracticable, because of the destruction of Customs records or other circumstances, to determine whether drawback was allowed, or the amount of drawback allowed, with respect to an article established to be a returned product of the United States which has not been advanced in value or improved in condition while abroad, there shall be assessed on the returned article an amount of duty determined as follows:

(1) If there is any likelihood that drawback was allowable on the exportation of like articles at any time when

the imported article may have been exported from the United States, the estimated amount of any drawback which would have been allowable if duty had been paid on any foreign merchandise likely to have been used in the manufacture of the returned article at the rate or rates applicable to such foreign merchandise on the date of importation of the returned article (see paragraph (b) of this section), and

(2) If there is any likelihood that a refund or remission of tax was allowed on the exportation of the returned article, the amount of any internal-revenue tax which would be payable at the time of importation if the returned article were wholly of foreign origin, but in no such case shall there be assessed more than an amount equal to the duty and tax that would apply if the returned article were wholly of foreign origin and originally imported. (See §10.7(a).) Except as provided for in §10.1(f), if the imported article is of a kind which would be subject to an internal-revenue tax if of foreign origin and payment of an internal-revenue tax before exportation without refund thereof is not established, duty shall be assessed on the imported article in an amount equal to the internal-revenue tax imposed at the time of entry for consumption or withdrawal from warehouse for consumption on like articles of foreign origin, plus the amount of any drawback allowed on the exportation of the article from the United States; but if no drawback was allowed, the duty equal to internal-revenue tax shall be the total duty to be assessed. If an allowance of drawback on the exportation from the United States of the imported article is established, duty shall be assessed in an amount equal to such drawback, plus an amount equal to any internal-revenue tax which may be assessable in accordance with this paragraph; but in no case shall duty equal to drawback, or to drawback and internal-revenue tax, be assessed in an amount in excess of the ordinary Customs duty and internal-revenue tax applicable to like articles of foreign origin. In any case, where payment of internal-revenue tax before exportation without refund thereof is established, no duty equal to an internal-revenue tax currently in force shall be assessed.