

§ 122.181

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(c) *Notice of decision.* The Assistant Commissioner, Office of Field Operations, shall notify the participating carrier in writing of the decision concerning continued participation in the program.

(d) *Use of uniform criteria.* When making any determination regarding a carrier's participation or continuation in the ACSPP, the Assistant Commissioner, Office of Field Operations, shall employ a uniform standard of performance and evaluation.

[T.D. 91-25, 56 FR 12347, Mar. 25, 1991, as amended by T.D. 91-77, 56 FR 46115, Sept. 10, 1991; T.D. 99-27, 64 FR 13675, Mar. 22, 1999]

Subpart S—Access to Customs Security Areas

SOURCE: T.D. 90-82, 55 FR 42557, Oct. 22, 1990, unless otherwise noted.

§ 122.181 Definition of Customs security area.

For purposes of this section, the term "Customs security area" means the Federal inspection services area at any airport accommodating international air commerce designated for processing passengers, crew, their baggage and effects arriving from foreign countries, as well as the aircraft deplaning and ramp area and other restricted areas designated by the port director. These areas will be posted as restricted to the extent possible and are established for the purpose of prohibiting unauthorized entries or contact with persons or objects.

§ 122.182 Security provisions.

(a) *Identification cards required.* With the exception of all Federal and uniformed State and local law enforcement personnel, all persons located at, operating out of, or employed by any airport accommodating international air commerce or its tenants or contractors, including air carriers, who have unescorted access to the Customs security area, must openly display or produce upon demand an approved identification card, strip, or seal issued by Customs. The approved identification card, strip, or seal shall be in the possession of the person in whose name it is issued whenever the person is in

the Customs security area. The identification card, strip or seal remains the property of Customs, and any bearer must immediately surrender it upon demand by any authorized Customs officer.

(b) *Employers responsibility and liability.* Employers operating in Customs airport security areas shall advise all employees of the provisions of the Customs regulations relative to those areas, require employees to familiarize themselves with those provisions and insure employee compliance. The employer shall also advise the port director of any changes of employment pursuant to § 122.182(g). The failure to comply with these regulations shall be considered a default of the conditions of the employer's bond, as hereafter specified, and shall make the employer liable for liquidated damages as specified in its bond.

(c) *Application and bond.* An application for an approved identification card, strip, or seal, as required by this section, shall be filed by the applicant with the port director on Customs Form 3078. The application requirement applies to all employees required to display an approved identification card by this section, regardless of the length of their employment. The application shall be supported by the bond of the applicant's employer or principal on Customs Form 301 containing the bond conditions set forth in §§ 113.62, 113.63, or 113.64 of this chapter, relating to importers or brokers, custodians of bonded merchandise, or international carriers. If the applicant's employer is not the principal on a Customs bond on Customs Form 301 for one or more of the activities stated above, the application shall be supported by an Airport Customs Security Area Bond, as set forth in appendix A of part 113 of this chapter. This bond may be waived, however, for State or local government-related agencies in the discretion of the port director. Waiver of this bond does not relieve any such agency or its employees from compliance with all other provisions of this subpart.

(d) *Background check.* For employees hired on or after November 1, 1985, an authorized official of the employer