

(2) *Train crew members who are United States citizens or lawful permanent resident aliens.* If the Customs Service cannot verify that the crew member is on the list and the crew member is a United States citizen or lawful permanent resident alien, the crew member may be cleared by the Customs Service upon providing:

- (i) A valid United States passport; or
- (ii) One or more other document(s) including a form of United States federal or state government-issued identification with photograph, acceptable to the Customs Service.

(3) *Compliance.* If a carrier attempts to enter the United States without having complied with this section, the Customs Service will deny entry of the explosives and may take other appropriate action.

Subpart B—Standards, Appeals, and Waivers for Security Threat Assessments

SOURCE: 68 FR 23871, May 5 2003, unless otherwise noted.

§ 1572.101 Scope and definitions.

(a) This subpart applies to individuals who hold or are applying for a hazardous material endorsement for a CDL.

(b) For purposes of this subpart, the following terms have the following definitions.

Associate Administrator/Chief Operating Officer means the Associate Administrator who is also the Chief Operating Officer of TSA, or his or her designee.

Authorization means any credential or endorsement for which TSA conducts a security threat assessment under this part, including a hazardous materials endorsement for a CDL.

Date of service means—

- (1) The date of personal delivery in the case of personal service;
- (2) The mailing date shown on the certificate of service;
- (3) The date shown on the postmark if there is no certificate of service;
- (4) Another mailing date shown by other evidence if there is no certificate of service or postmark; or
- (5) The date in an e-mail showing when it was sent.

Day means calendar day.

§ 1572.103 Disqualifying criminal offenses.

(a) An individual has a disqualifying criminal offense if the individual:

(1) Was convicted, or found not guilty by reason of insanity, of any of the disqualifying crimes listed in paragraph (b) of this section in any jurisdiction, civilian or military, during the 7 years before the date of the individual's application for the authorization, except as provided in paragraph (d) of this section;

(2) Was released from incarceration for committing any of the disqualifying crimes listed in paragraph (b) of this section in any jurisdiction, civilian or military, during the 5 years before the date of the individual's application for the authorization, except as provided in paragraph (d) of this section; or

(3) Is wanted or under indictment in any jurisdiction, civilian or military, for any of the disqualifying crimes listed in paragraph (b) of this section.

(b) The disqualifying crimes are felonies involving:

(1) Any crime listed in 18 U.S.C. Chapter 113B—Terrorism.

- (2) Murder.
- (3) Assault with intent to murder.
- (4) Espionage.
- (5) Sedition.
- (6) Kidnapping or hostage taking.
- (7) Treason.
- (8) Rape or aggravated sexual abuse.
- (9) Unlawful possession, use, sale, distribution, or manufacture of an explosive, explosive device, firearm, or other weapon.
- (10) Extortion.
- (11) Robbery.
- (12) Arson.
- (13) Distribution of, intent to distribute, possession, or importation of a controlled substance.
- (14) Dishonesty, fraud, or misrepresentation, including identity fraud.
- (15) A crime involving a severe transportation security incident.
- (16) Improper transportation of a hazardous material.
- (17) Bribery.
- (18) Smuggling.
- (19) Immigration violations.
- (20) Violations of the Racketeer Influenced and Corrupt Organizations Act; 18 U.S.C. 1961, *et seq.*