

PART 122—AIR COMMERCE REGULATIONS

Sec.

122.0 Scope

Subpart A—General Definitions and Provisions

- 122.1 General definitions.
- 122.2 Other Customs laws and regulations.
- 122.3 Availability of forms.
- 122.4 English language required.
- 122.5 Reproduction of Customs forms.

Subpart B—Classes of Airports

- 122.11 Designation as international airport.
- 122.12 Operation of international airports.
- 122.13 List of international airports.
- 122.14 Landing rights airport.
- 122.15 User fee airports.

Subpart C—Private Aircraft

- 122.21 Application.
- 122.22 Notice of arrival.
- 122.23 Private aircraft arriving from areas south of the U.S.
- 122.24 Landing requirements.
- 122.25 Exemption from special landing requirements.
- 122.26 Entry and clearance.
- 122.27 Documents required.
- 122.28 Private aircraft taken abroad by U.S. residents.
- 122.29 Arrival fee and overtime services.
- 122.30 Other Customs laws and regulations.

Subpart D—Landing Requirements

- 122.31 Notice of arrival.
- 122.32 Aircraft required to land.
- 122.33 Place of first landing.
- 122.35 Emergency or forced landing.
- 122.36 Responsibility of aircraft commander.
- 122.37 Precleared aircraft.
- 122.38 Permit and special license to unlade and lade.

Subpart E—Aircraft Entry and Entry Documents; Electronic Manifest Requirements for Passengers, Crew Members, and Non-Crew Members Onboard Commercial Aircraft Arriving In, Continuing Within, and Overflying the United States

- 122.41 Aircraft required to enter.
- 122.42 Aircraft entry.
- 122.43 General declaration.
- 122.44 Crew baggage declaration.
- 122.45 Crew list.
- 122.46 Crew purchase list.
- 122.47 Stores list.
- 122.48 Air cargo manifest.

- 122.48a Electronic information for air cargo required in advance of arrival.
- 122.49 Correction of air cargo manifest or air waybill.
- 122.49a Electronic manifest requirement for passengers onboard commercial aircraft arriving in the United States.
- 122.49b Electronic manifest requirement for crew members and non-crew members onboard commercial aircraft arriving in, continuing within, and overflying the United States.
- 122.49c Master crew member list and master non-crew member list requirement for commercial aircraft arriving in, departing from, continuing within, and overflying the United States.
- 122.49d Passenger Name Record (PNR) information.
- 122.50 General order merchandise.

Subpart F—International Traffic Permit

- 122.51 Aircraft of domestic origin registered in the U.S.
- 122.52 Aircraft of foreign origin registered in the U.S.
- 122.53 Aircraft of foreign registry chartered or leased to U.S. air carriers.
- 122.54 Aircraft of foreign registry.

Subpart G—Clearance of Aircraft and Permission To Depart

- 122.61 Aircraft required to clear.
- 122.62 Aircraft not otherwise required to clear.
- 122.63 Scheduled airlines.
- 122.64 Other aircraft.
- 122.65 Failure to depart.
- 122.66 Clearance or permission to depart denied.

Subpart H—Documents Required for Clearance and Permission To Depart; Electronic Manifest Requirements for Passengers, Crew Members, and Non-Crew Members Onboard Commercial Aircraft Departing From the United States

- 122.71 Aircraft departing with no commercial export cargo.
- 122.72 Aircraft departing with commercial export cargo.
- 122.73 General declaration and air cargo manifest.
- 122.74 Incomplete (pro forma) manifest.
- 122.75 Complete manifest.
- 122.75a Electronic manifest requirement for passengers onboard commercial aircraft departing from the United States.
- 122.75b Electronic manifest requirement for crew members and non-crew members onboard commercial aircraft departing from the United States.
- 122.76 Shipper's Export Declarations and inspection certifications.

Pt. 122

19 CFR Ch. I (4-1-06 Edition)

- 122.77 Clearance certificate.
- 122.78 Entry or withdrawal for exportation or for transportation and exportation.
- 122.79 Shipments to U.S. possessions.
- 122.80 Verification of statement.

Subpart I—Procedures for Residue Cargo and Stopover Passengers

- 122.81 Application.
- 122.82 Bond requirements.
- 122.83 Forms required.
- 122.84 Intermediate airport.
- 122.85 Final airport.
- 122.86 Substitution of aircraft.
- 122.87 Other requirements.
- 122.88 Aircraft carrying domestic (stopover) passengers.

Subpart J—Transportation in Bond and Merchandise in Transit

- 122.91 Application.
- 122.92 Procedure at port of origin.
- 122.93 Procedure at destination or exportation airport.
- 122.94 Certificate of lading for exportation.
- 122.95 Other provisions.

Subpart K—Accompanied Baggage in Transit

- 122.101 Entry of accompanied baggage.
- 122.102 Inspection of baggage in transit.

Subpart L—Transit Air Cargo Manifest (TACM) Procedures

- 122.111 Application.
- 122.112 Definitions.
- 122.113 Form for transit air cargo manifest procedures.
- 122.114 Contents.
- 122.115 Labeling of cargo.
- 122.116 Identification of manifest sheets.
- 122.117 Requirements for transit air cargo transport.
- 122.118 Exportation from port of arrival.
- 122.119 Transportation to another U.S. port.
- 122.120 Transportation to another port for exportation.

Subpart M—Aircraft Liquor Kits

- 122.131 Application.
- 122.132 Sealing of aircraft liquor kits.
- 122.133 Stores list required on arrival.
- 122.134 When airline does not have in-bond liquor storeroom.
- 122.135 When airline has in-bond liquor storeroom.
- 122.136 Outgoing stores list.
- 122.137 Certificate of use.

Subpart N—Flights to and From the U.S. Virgin Islands

- 122.141 Definitions.

- 122.142 Flights between the U.S. Virgin Islands and a foreign area.
- 122.143 Flights from the U.S. to the U.S. Virgin Islands.
- 122.144 Flights from the U.S. Virgin Islands to the U.S.

Subpart O—Flights to and From Cuba

- 122.151 Definitions.
- 122.152 Application.
- 122.153 Limitations on airport of entry or departure.
- 122.154 Notice of arrival.
- 122.155 Document to be presented upon arrival.
- 122.156 Release of passengers.
- 122.157 Documents required for clearance.
- 122.158 Other entry and clearance requirements.

Subpart P—Public Aircraft [Reserved]

Subpart Q—Penalties

- 122.161 In general.
- 122.162 Failure to notify and explain differences in air cargo manifest.
- 122.163 Transit air cargo traveling to U.S. ports.
- 122.164 Transportation to another port for exportation.
- 122.165 Air cabotage.
- 122.166 Arrival, departure, discharge, and documentation.
- 122.167 Aviation smuggling.

Subpart R—Air Carrier Smuggling Prevention Program

- 122.171 Description of program.
- 122.172 Eligibility.
- 122.173 Application procedures.
- 122.174 Operational procedures.
- 122.175 Exemption from penalties.
- 122.176 Removal from ACSPP.

Subpart S—Access to Customs Security Areas

- 122.181 Definition of Customs security area.
- 122.182 Security provisions.
- 122.183 Denial of access.
- 122.184 Change of identification; change in circumstances of employee; additional employer responsibilities.
- 122.185 Report of loss or theft of Customs access seal.
- 122.186 Presentation of Customs access seal by other person.
- 122.187 Revocation or suspension of access.
- 122.188 Issuance of temporary Customs access seal.
- 122.189 Bond liability.

AUTHORITY: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1431, 1433, 1436, 1448, 1459, 1594, 1623, 1624, 1644, 1644a, 2071 note.

Section 122.49a also issued under 8 U.S.C. 1221, 19 U.S.C. 1431, 49 U.S.C. 44909.

Section 122.49b also issued under 8 U.S.C. 1221, 19 U.S.C. 1431, 49 U.S.C. 114, 44909.

Section 122.49c also issued under 8 U.S.C. 1221, 19 U.S.C. 1431, 49 U.S.C. 114, 44909.

Section 122.49d also issued under 49 U.S.C. 44909(c)(3).

Section 122.75a also issued under 8 U.S.C. 1221, 19 U.S.C. 1431.

Section 122.75b also issued under 8 U.S.C. 1221, 19 U.S.C. 1431, 49 U.S.C. 114.

SOURCE: T.D. 88-12, 53 FR 9292, Mar. 22, 1988, unless otherwise noted.

§ 122.0 Scope.

The regulations in this part relate to the entry and clearance of aircraft, and the transportation of persons and cargo by aircraft, and are applicable to all air commerce. They do not apply to Guam, Midway, American Samoa, Wake, Kingman Reef, Johnston Island, and other insular possessions of the U.S. not specified herein. They do apply to the U.S. Virgin Islands as stated in subpart N (§§122.141 through 122.144), and Cuba as stated in subpart O (§§122.151 through 122.158).

Subpart A—General Definitions and Provisions

§ 122.1 General definitions.

The following definitions apply in this part, unless otherwise stated:

(a) *Aircraft*. An “aircraft” is any device now known, or hereafter invented, used or designed for navigation or flight in the air. It does not include hovercraft.

(b) *Aircraft commander*. An “aircraft commander” is any person serving on an aircraft who is in charge or has command of its operation and navigation.

(c) *Agent*. An “agent” is any person who is authorized to act for or in place of:

- (1) An owner or operator of a scheduled airline by written authority; or
- (2) An owner or operator of a non-scheduled airline, by power of attorney.

The authority to act shall be in writing and satisfactory to the port director.

(d) *Commercial aircraft*. A “commercial aircraft” is any aircraft transporting passengers and/or cargo for

some payment or other consideration, including money or services rendered.

(e) *International airport*. An “international airport” is any airport designated by:

(1) The Secretary of the Treasury or the Commissioner of Customs as a port of entry for aircraft arriving in the U.S. from any place outside thereof and for the merchandise carried on such aircraft;

(2) The Attorney General as a port of entry for aliens arriving on such aircraft; and

(3) The Secretary of Health and Human Services as a place for quarantine inspection.

(f) *Landing rights airport*. A “landing rights airport” is any airport, other than an international airport or user fee airport, at which flights from a foreign area are given permission by Customs to land.

(g) *Preclearance*. “Preclearance” is the examination and inspection of air travelers and their baggage, at the request of an airline, at foreign places where Customs personnel are stationed for that purpose. Preclearance may be used only for air travelers and their baggage, not for merchandise.

(h) *Private aircraft*. A “private aircraft” is any aircraft engaged in a personal or business flight to or from the U.S. which is not:

(1) Carrying passengers and/or cargo for commercial purposes;

(2) Leaving the U.S. carrying neither passengers nor cargo in order to land passengers and/or cargo in a foreign area for commercial purposes; or

(3) Returning to the U.S. carrying neither passengers nor cargo in ballast after leaving with passengers and/or cargo for commercial purposes;

(i) *Public aircraft*. A “public aircraft”, is any aircraft owned by, or under the complete control and management of the U.S. government or any of its agencies, or any aircraft owned by or under the complete control and management of any foreign government which exempts public aircraft of the U.S. from arrival, entry and clearance requirements similar to those provided in subpart C of this part, but not including any government owned aircraft engaged in carrying persons or property