

§ 122.189

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

may renew the temporary Customs access seal for additional 30 day periods where the circumstances under which the temporary Customs access seal was originally issued continue to exist. The temporary Customs access seal shall be destroyed by the port director when the permanent approved Customs access seal is issued, or the privileges granted thereby are withdrawn.

(c) *Temporary employees and official visitors.* The provisions of this section shall also apply to temporary employees and official visitors requiring access to the Customs security area. In the case of temporary employees, the Customs access seal shall be valid for a period of 30 days. In the case of official visitors, the temporary Customs access seal shall be valid for the day of issuance only. Temporary employee and official visitor Customs access seal are renewable for periods equal to their original period of validity.

(d) *Revocation of denial and access.* The temporary Customs access seal may be revoked and access to the Customs security area denied at any time if the holder of the temporary Customs access seal refuses or neglects to obey any proper order of a Customs officer, or any Customs order, rule, or regulation, or if, in the judgment of the port director, continuation of the privileges granted thereby would endanger the revenue or pose a threat to the Customs security area.

[T.D. 90-82, 55 FR 42557, Oct. 22, 1990, as amended by T.D. 02-40, 67 FR 48988, July 29, 2002]

§ 122.189 Bond liability.

Any failure on the part of a principal to comply with the conditions of the bond required under §122.182(c), including a failure of an employer to comply with any requirement applicable to the employer under this subpart, will constitute a breach of the bond and may result in a claim for liquidated damages under the bond.

[T.D. 02-40, 67 FR 48988, July 29, 2002]

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

Sec. 123.0 Scope.

Subpart A—General Provisions

- 123.1 Report of arrival from Canada or Mexico and permission to proceed.
123.2 Penalty for failure to report arrival or for proceeding without a permit.
123.3 Inward foreign manifest required.
123.4 Inward foreign manifest forms to be used.
123.5 Certification and filing of inward foreign manifest.
123.6 Train sheet for arriving railroad trains.
123.7 Manifest used as an entry for unconditionally free merchandise valued not over \$250.
123.8 Permit or special license to unlade or lade a vessel or vehicle.
123.9 Explanation of a discrepancy in a manifest.
123.10 General order merchandise.

Subpart B—International Traffic

- 123.11 Supplies on international trains.
123.12 Entry of foreign locomotives and equipment in international traffic.
123.13 Foreign repairs to domestic locomotives and other domestic railroad equipment.
123.14 Entry of foreign-based trucks, busses, and taxicabs in international traffic.
123.15 Vehicles of foreign origin used between communities of the United States and Canada or Mexico.
123.16 Entry of returning trucks, busses, or taxicabs in international traffic.
123.17 Foreign repairs to domestic trucks, busses, taxicabs and their equipment.
123.18 Equipment and materials for constructing bridges or tunnels between the United States and Canada or Mexico.

Subpart C—Shipments In Transit Through Canada or Mexico

- 123.21 Merchandise in transit.
123.22 In-transit manifest.
123.23 Train sheet for in-transit rail shipments.
123.24 Sealing of conveyances or compartments.
123.25 Certification and disposition of manifests.
123.26 Transshipment of merchandise moving through Canada or Mexico.
123.27 Feeding and watering animals in Canada.
123.28 Merchandise remaining in or exported to Canada or Mexico.
123.29 Procedure on arrival at port of re-entry.

Subpart D—Shipments in Transit Through the United States

- 123.31 Merchandise in transit.

Bureau of Customs and Border Protection, DHS, Treasury

§ 123.0

- 123.32 Manifests.
- 123.33 [Reserved]
- 123.34 Certain vehicle and vessel shipments.

Subpart E—United States and Canada In-Transit Truck Procedures

- 123.41 Truck shipments transiting Canada.
- 123.42 Truck shipments transiting the United States.

Subpart F—Commercial Traveler's Samples in Transit Through the United States or Canada

- 123.51 Commercial samples transported by automobile through Canada between ports in the United States.
- 123.52 Commercial samples transported by automobile through the United States between ports in Canada.

Subpart G—Baggage

- 123.61 Baggage arriving in baggage car.
- 123.62 Baggage in possession of traveler.
- 123.63 Examination of baggage from Canada or Mexico.
- 123.64 Baggage in transit through the United States between ports in Canada or in Mexico.
- 123.65 Domestic baggage transiting Canada or Mexico between ports in the United States.

Subpart H—Land Border Carrier Initiative Program

- 123.71 Description of program.
- 123.72 Written agreement requirement.
- 123.73 Application to participate.
- 123.74 Notice of selection; appeal of determination.
- 123.75 Notice of revocation; appeal of decision.
- 123.76 Authorization by Customs for participants to use certain drivers.

Subpart I—Miscellaneous Provisions

- 123.81 Merchandise found in building on the boundary.
- 123.82 Treatment of stolen vehicles returned from Mexico.

Subpart J—Advance Information for Cargo Arriving by Rail or Truck

- 123.91 Electronic information for rail cargo required in advance of arrival.
- 123.92 Electronic information for truck cargo required in advance of arrival.

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Section 123.4 also issued under 19 U.S.C. 1484, 1498;
Section 123.7 also issued under 19 U.S.C. 1498;
Section 123.8 also issued under 19 U.S.C. 1450-1454, 1459;
Section 123.9 also issued under 19 U.S.C. 1460, 1584, 1618;
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Section 123.63 also issued under 19 U.S.C. 1461, 1462;
Sections 123.71-123.76 also issued under 19 U.S.C. 1618;
Section 123.81 also issued under 19 U.S.C. 1595.

SOURCE: T.D. 70-121, 35 FR 8215, May 26, 1970, unless otherwise noted.

§ 123.0 Scope.

This part contains special regulations pertaining to Customs procedures at the Canadian and Mexican borders. Included are provisions governing report of arrival, manifesting, unloading and lading, instruments of international traffic, shipments in transit through Canada or Mexico or through the United States, commercial traveler's samples transiting the United States or Canada, and baggage arriving from Canada or Mexico including baggage transiting the United States or Canada or Mexico. Aircraft arriving from or departing for Canada or Mexico are governed by the provisions of part 122 of this chapter. The arrival of all vessels from, and clearance of all vessels departing for, Canada or Mexico are governed by the provisions of part 4 of this chapter. Fees for services provided in connection with the arrival of aircraft, vessels, vehicles and other conveyances from Canada or Mexico are set forth in §24.22 of this chapter. Regulations pertaining to the treatment of goods from Canada or Mexico

under the North American Free Trade Agreement are contained in part 181 of this chapter.

[T.D. 70-121, 35 FR 8215, May 26, 1970, as amended by T.D. 88-12, 53 FR 9315, Mar. 22, 1988; T.D. 93-85, 58 FR 54286, Oct. 21, 1993; T.D. 93-96, 58 FR 67317, Dec. 21, 1993; T.D. 94-1, 58 FR 69471, Dec. 30, 1993; 59 FR 10283, Mar. 4, 1994]

Subpart A—General Provisions

§ 123.1 Report of arrival from Canada or Mexico and permission to proceed.

(a) *Individuals.* Individuals arriving in the United States, unless excepted by voluntary enrollment in and compliance with PORTPASS—a joint Customs Service/Immigration and Naturalization Service facilitated entry program (See, Immigration and Naturalization Regulations at 8 CFR 235.7), must report their arrival to Customs, and failure to report arrival may result in the individual being liable for certain civil and criminal penalties, as provided under 19 U.S.C. 1459, in addition to other penalties applicable under other provisions of law. The specific reporting requirements are as follows:

(1) *Individuals not arriving by conveyance.* Persons arriving otherwise than by conveyance may enter the U.S. only at those locations specified by the Commissioner of Customs, or his designee, and shall then immediately report their arrival to Customs. Such persons shall not depart from the Customs port or station until authorized to do so by the appropriate Customs officer.

(2) *Persons arriving aboard a conveyance that reported its arrival.* Persons aboard a conveyance the arrival of which has been reported to Customs at locations specified by the Commissioner of Customs, or his designee in accordance with section 1433, 1644 or 1644a of title 19, United States Code (19 U.S.C. 1433, 1644, 1644a), shall remain on board until authorized by Customs to depart, and shall then immediately report to the designated Customs facility together with all articles accompanying them.

(3) *Persons arriving aboard a conveyance that has not reported its arrival.* Persons aboard a conveyance the ar-

ival of which has not been reported in accordance with the laws referred to in paragraph (a)(2) of this section, shall immediately notify a Customs officer and report their arrival, together with appropriate information concerning the conveyance on or in which they arrived, at a location or locations specified by the Commissioner of Customs, or his designee and shall present themselves and their property for Customs inspection and examination.

(b) *Vehicles.* Vehicles may arrive in the U.S. only at a designated port of entry (see §101.3 of this chapter) or Customs station if the Commissioner of Customs, or his designee authorizes entry at that station (see §101.4 of this chapter). Upon arrival of the vehicle in the U.S., the driver, unless he or she and all of the vehicle's occupants are excepted by enrollment in, and in compliance with, PORTPASS—a joint Customs Service/Immigration and Naturalization Service facilitated entry program (See, Immigration and Naturalization Regulations at 8 CFR 235.1 and 286.8), immediately shall report such arrival to Customs, and shall not depart or discharge any passenger or merchandise (including baggage) without authorization by the appropriate Customs officer.

(c) *Vessels.* For report of arrival requirements applicable to all vessels, regardless of tonnage, and arriving from any location, see §4.2 of this chapter.

(d) *Method of reporting.* Report of arrival under paragraphs (a), (b), and (c) of this section shall be made in person unless the port director, by local instructions, requires that it be made by some other specific means. Such local instructions issued by the port director will be made available to interested parties by posting in Customs offices, publication in a newspaper of general circulation in the Customs port that supervises the location, and/or other appropriate means.

[T.D. 93-96, 58 FR 67317, Dec. 21, 1993, as amended by T.D. 94-44, 59 FR 23795, May 9, 1994; T.D. 97-48, 62 FR 32031, June 12, 1997; T.D. 98-74, 63 FR 51289, Sept. 25, 1998; CBP Dec. 04-28, 69 FR 52599, Aug. 27, 2004]