

United States before departure therefrom, and applies whether movement under Customs procedure is as residue cargo or follows some form of Customs entry.

(22) *Unloaded or landed for transshipment and exportation.* Brought in by carrier and transferred to another carrier for exportation from the same port, whether or not some form of Customs entry is made.

(23) *Unloaded or landed for transportation and exportation.* Brought in by carrier and transferred to another carrier for transportation to another port for exportation, whether or not some form of Customs entry is made.

(24) *Intended for importation but refused entry.* Brought in by carrier but (i) entry refused under part 319, 321, or 330 of this chapter after arrival but before unloading or landing and retained on board pending removal from the United States or other disposal, or (ii) entry refused under any of said parts after unloading or landing.

(25) *Intended for unloading and entry at a port other than the port of first arrival.* Brought in by carrier at a port for movement to the port of entry under residue cargo procedure of Customs.

(26) *Residue cargo.* Shipments authorized by Customs to be transported under the Customs bond of the carrier on which the shipments arrive, without entry being filed, for direct export from the first port of arrival, or to another port for entry or for direct export at that port without entry being required.

(27) *Port.* Any place designated by the President, Secretary of the Treasury, or Congress at which a Customs officer is assigned with authority to accept entries of merchandise, to collect duties, and to enforce the various provisions of the Customs and Navigation laws in force at that place.

(28) *Port of arrival.* Any port in the United States at which a prohibited or restricted product or article arrives.

(29) *Port of entry.* A port at which a specified shipment or means of conveyance is accepted for entry or admitted without entry into the United States.

(30) *Foreign trade zone.* A formally prescribed area containing various physical facilities located in or adjacent to ports of entry under the jurisdiction of the United States and estab-

lished, operated, and maintained as a foreign trade zone pursuant to the Foreign-Trade Zones Act of June 18, 1934 (48 Stat. 998-1003; 19 U.S.C. 81a-81u), as amended, wherein foreign merchandise, as well as domestic merchandise, may be deposited for approved purposes. Movement into and from such area is subject to applicable customs, plant quarantine, and other Federal requirements.

(31) *United States.* The States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States, and the territorial waters of the United States adjacent to those land areas.

(32) *Administrative instructions.* Published documents set forth in this part relating to the enforcement of this part, and issued under authority thereof by the Deputy Administrator.

[25 FR 1929, Mar. 5, 1960, as amended at 36 FR 24917, Dec. 24, 1971; 37 FR 10554, May 25, 1972; 62 FR 65009, Dec. 10, 1997]

EFFECTIVE DATE NOTE: At 62 FR 65009, Dec. 10, 1997, in §352.1, in paragraphs (b) (14) through (16), and (24), the reference "320," was removed, effective Jan. 9, 1998.

§352.2 Purpose; relation to other regulations; applicability.

(a) The importation into the United States of certain plants, plant products, plant pests, soil, and other products and articles which may be infested or infected by, or contain, plant pests is prohibited or restricted by quarantines, orders, and other regulations in parts 319, 321, and 330 of this chapter, issued under authority of sections 1, 5, 7, and 9 of the Plant Quarantine Act, sections 103, 105, 106, and 107 of the Federal Plant Pest Act, the Mexican Border Act (7 U.S.C. 149), and related laws (31 483a; 7 U.S.C. 2260). Under said authorities it is hereby determined that it is not necessary to impose such prohibitions and restrictions upon plants, plant products, plant pests, soil, and other products and articles designated in said parts when they come within any of the following categories and are moved into the United States from any foreign country and handled in the United States in compliance with this part, and said categories of plants, plant products, plant pests, soil, and other products and articles are hereby

excepted from said prohibitions and restrictions if they comply with this part, except as otherwise provided in this part: (1) Are brought in for temporary stay where unloading or landing is not intended; (2) are unloaded or landed for transshipment and exportation; (3) are unloaded or landed for transportation and exportation; (4) are intended for unloading and entry at a port other than the port of arrival. However, such determination and exception shall not apply to cotton and covers imported into the United States from any country for exportation or transshipment and exportation or transportation and exportation as provided in §§ 319.8, 319.8-1 et seq. of this chapter and such cotton and covers must comply with said sections in lieu of this part. Moreover, the applicable provisions of §§ 330.100 through 330.109 and 330.400 of this chapter shall continue to apply to products and articles subject to this Part 352.

(b) Prohibited or restricted products and articles offered for entry into the United States and refused such entry under part 319, 321, or 330 of this chapter shall be subject to the applicable provisions in this part with respect to their subsequent handling in this country.

(c)(1) The provisions in this part shall apply whether the controls over arrival, temporary stay, unloading, landing, transshipment and exportation, or transportation and exportation, or other movement or possession in the United States are maintained by entry or other procedures of the Bureau of Customs, U.S. Department of the Treasury, or in Guam by the Customs of the Government of Guam. Such provisions shall apply to arrivals in the United States, as defined in § 352.1(b)(31), including arrivals in a foreign trade zone in the United States to which admission is sought in accordance with the Customs Regulations in title 19 CFR. Prohibited or restricted products and articles which have arrived in the United States and have been exported therefrom pursuant to this part, and which for any reason are returned to the United States are, upon arrival, again subject to the applicable requirements of this part.

(2) Any restrictions and requirements under this part with respect to the arrival, temporary stay, unloading, landing, transshipment, exportation, transportation and exportation, or other movement or possession in the United States of any product or article shall apply to any person who, respectively, brings into, maintains, unloads, lands, transships, exports, transports and exports, or otherwise moves or possesses in the United States such product or article, whether he is the person who was required to have a permit for the product or article or a subsequent custodian of such product or article, and failure to comply with all applicable restrictions and requirements under this part by any such person shall be deemed to be a violation of this part.

[25 FR 1929, Mar. 5, 1960, as amended at 62 FR 65009, Dec. 10, 1997]

EFFECTIVE DATE NOTE: At 62 FR 65009, Dec. 10, 1997, in § 352.2, paragraphs (a) the first sentence and paragraph (b) were amended by removing the reference “320,” effective Jan. 9, 1998.

§ 352.3 Enforcement and administration.

(a) Plants, plant products, plant pests, soil, and other products and articles subject to the regulations in this part which are unloaded or landed, or otherwise brought or moved into or through the United States in contravention of this part may be seized, destroyed, or otherwise disposed of as authorized by section 10 of the Plant Quarantine Act (7 U.S.C. 164a), section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd), or the Mexican Border Act (7 U.S.C. 149). Any person who unloads or lands or otherwise brings or moves into or through the United States, any plants, plant products, plant pests, soil, or other products or articles subject to this part in any manner contrary to this part, shall be subject to prosecution under the applicable provisions of law.

(b) Whenever the Deputy Administrator of the Plant Protection and Quarantine Programs shall find that existing conditions of danger of plant pest escape or dissemination involved in the arrival, unloading, landing, or other movement, or possession in the United States of plants, plant products,