

(b) When a regulation described in paragraph (a) of this section is published in the FEDERAL REGISTER, the preamble accompanying the regulation shall clearly indicate that it is being issued in accordance with paragraph (a) of this section.

[ CBP Dec. 03–24, 68 FR 51869, Aug. 28, 2003, as amended at CBP Dec. 08–25, 73 FR 40724, July 16, 2008]

APPENDIX TO 19 CFR PART 0—TREASURY  
DEPARTMENT ORDER NO. 100–16

Delegation from the Secretary of the Treasury to the Secretary of Homeland Security of general authority over Customs revenue functions vested in the Secretary of the Treasury as set forth in the Homeland Security Act of 2002.

Treasury Department, Washington, DC,  
May 15, 2003.

By virtue of the authority vested in me as the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(b) and section 412 of the Homeland Security Act of 2002 (Pub. L. 107–296) (Act), it is hereby ordered:

1. Consistent with the transfer of the functions, personnel, assets, and liabilities of the United States Customs Service to the Department of Homeland Security as set forth in section 403(1) of the Act, there is hereby delegated to the Secretary of Homeland Security the authority related to the Customs revenue functions vested in the Secretary of the Treasury as set forth in sections 412 and 415 of the Act, subject to the following exceptions and to paragraph 6 of this Delegation of Authority:

(a)(i) The Secretary of the Treasury retains the sole authority to approve any regulations concerning import quotas or trade bans, user fees, marking, labeling, copyright and trademark enforcement, and the completion of entry or substance of entry summary including duty assessment and collection, classification, valuation, application of the U.S. Harmonized Tariff Schedules, eligibility or requirements for preferential trade programs, and the establishment of record-keeping requirements relating thereto. The Secretary of Homeland Security shall provide a copy of all regulations so approved to the Chairman and Ranking Member of the Committee on Ways and Means and the Chairman and Ranking Member of the Committee on Finance every six months.

(ii) The Secretary of the Treasury shall retain the authority to review, modify, or revoke any determination or ruling that falls within the criteria set forth in paragraph 1(a)(i), and that is under consideration pursuant to the procedures set forth in sections 516 and 625(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1516 and 1625(c)). The Sec-

retary of Homeland Security periodically shall identify and describe for the Secretary of the Treasury such determinations and rulings that are under consideration under sections 516 and 625(c) of the Tariff Act of 1930, as amended, in an appropriate and timely manner, with consultation as necessary, prior to the Secretary of Homeland Security's exercise of such authority. The Secretary of Homeland Security shall provide a copy of these identifications and descriptions so made to the Chairman and Ranking Member of the Committee on Ways and Means and the Chairman and Ranking Member of the Committee on Finance every six months. The Secretary of the Treasury shall list any case where Treasury modified or revoked such a determination or ruling.

(b) Paragraph 1(a) notwithstanding, if the Secretary of Homeland Security finds an overriding, immediate, and extraordinary security threat to public health and safety, the Secretary of Homeland Security may take action described in paragraph 1(a) without the prior approval of the Secretary of the Treasury. However, immediately after taking any such action, the Secretary of Homeland Security shall certify in writing to the Secretary of the Treasury and to the Chairman and Ranking Member of the Committee on Ways and Means and the Chairman and Ranking Member of the Committee on Finance the specific reasons therefor. The action shall terminate within 14 days or as long as the overriding, immediate, and extraordinary security threat exists, whichever is shorter, unless the Secretary of the Treasury approves the continued action and provides notice of such approval to the Secretary of Homeland Security.

(c) The Advisory Committee on Commercial Operations of the Customs Service (COAC) shall be jointly appointed by the Secretary of the Treasury and the Secretary of Homeland Security. Meetings of COAC shall be presided over jointly by the Secretary of the Treasury and the Secretary of Homeland Security. The COAC shall advise the Secretary of the Treasury and the Secretary of Homeland Security jointly.

2. Any references in this Delegation of Authority to the Secretary of the Treasury or the Secretary of Homeland Security are deemed to include their respective delegates, if any.

3. This Delegation of Authority is not intended to create or confer any right, privilege, or benefit on any private person, including any person in litigation with the United States.

4. Treasury Order No. 165–09, “Maintenance of delegation in respect to general authority over Customs Revenue functions vested in the Secretary of the Treasury, as set forth and defined in the Homeland Security Act of 2002,” dated February 28, 2003, is rescinded. To the extent this Delegation of Authority

requires any revocation of any other prior Order or Directive of the Secretary of the Treasury, such prior Order or Directive is hereby revoked.

5. This Delegation of Authority is effective May 15, 2003. This Delegation is subject to review on May 14, 2004. By March 15, 2004, the Secretary of the Treasury and the Secretary of Homeland Security shall consult with the Chairman and Ranking Member of the Committee on Ways and Means and the Chairman and Ranking Member of the Committee on Finance to discuss the upcoming review of this Delegation.

6. The Secretary of the Treasury reserves the right to rescind or modify this Delegation of Authority, promulgate regulations, or exercise authority at any time based upon the statutory authority reserved to the Secretary by the Act.

John W. Snow, *Secretary of the Treasury.*

**PARTS 1-3 [RESERVED]**

**PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES**

ARRIVAL AND ENTRY OF VESSELS

- Sec.
- 4.0 General definitions.
- 4.1 Boarding of vessels; cutter and dock passes.
- 4.2 Reports of arrival of vessels.
- 4.3 Vessels required to enter; place of entry.
- 4.3a Penalties for violation of vessel reporting and entry requirements.
- 4.4 Panama Canal; report of arrival required.
- 4.5 Government vessels.
- 4.6 Departure or unloading before report or entry.
- 4.7 Inward foreign manifest; production on demand; contents and form; advance filing of cargo declaration.
- 4.7a Inward manifest; information required; alternative forms.
- 4.7b Electronic passenger and crew arrival manifests.
- 4.7c Vessel stow plan.
- 4.7d Container status messages.
- 4.8 Preliminary entry.
- 4.9 Formal entry.
- 4.10 Request for overtime services.
- 4.11 Sealing of stores.
- 4.12 Explanation of manifest discrepancy.
- 4.13 [Reserved]
- 4.14 Equipment purchases by, and repairs to, American vessels.
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- 4.16 [Reserved]
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TONNAGE TAX AND LIGHT MONEY

- 4.20 Tonnage taxes.

- 4.21 Exemptions from tonnage taxes.
- 4.22 Exemptions from special tonnage taxes.
- 4.23 Certificate of payment and cash receipt.
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LANDING AND DELIVERY OF CARGO

- 4.30 Permits and special licenses for unloading and lading.
- 4.31 Unloading or transshipment due to casualty.
- 4.32 Vessels in distress, landing of cargo.
- 4.33 Diversion of cargo.
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- 4.36 Delayed discharge of cargo.
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- 4.38 Release of cargo.
- 4.39 Stores and equipment of vessels and crews' effects; unloading or lading and retention on board.
- 4.40 Equipment, etc., from wrecked or dismantled vessels.
- 4.41 Cargo of wrecked vessel.

PASSENGERS ON VESSELS

- 4.50 Passenger lists.
- 4.51 Reporting requirements for individuals arriving by vessel.
- 4.52 Penalties applicable to individuals.

FOREIGN CLEARANCES

- 4.60 Vessels required to clear.
- 4.61 Requirements for clearance.
- 4.62 Accounting for inward cargo.
- 4.63 Outward cargo declaration; shippers' export declarations.
- 4.64 Electronic passenger and crew member departure manifests.
- 4.65 Verification of nationality and tonnage.
- 4.65a Load lines.
- 4.66 Verification of inspection.
- 4.66a Illegal discharge of oil and hazardous substances.
- 4.66b Pollution of coastal and navigable waters.
- 4.66c Oil pollution by oceangoing vessels.
- 4.67 Closed ports or places.
- 4.68 Federal Maritime Commission certificates for certain passengers vessels.
- 4.69 Shipping articles.
- 4.70 Public Health Service requirements.
- 4.71 Inspection of livestock.
- 4.72 Inspection of meat, meat-food products, and inedible fats.
- 4.73 Neutrality; exportation of arms and munitions.
- 4.74 Transportation orders.
- 4.75 Incomplete manifest; incomplete export declarations; bond.
- 4.76 Procedures and responsibilities of carriers filing outbound vessel manifest information via the AES.