

(2) Holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity, issued by the Department of Transportation pursuant to 14 CFR parts 201 and 213.

(1) *United States*. Except when used in another context, “U.S.” means the territory of the several States, the District of Columbia, and Puerto Rico, including the territorial waters and overlying airspace.

(m) *User fee airport*. A “user fee airport” is an airport so designated by Customs. Flights from a foreign area may be granted permission to land at a user fee airport rather than at an international airport or a landing rights airport. An informational listing of user fee airports is contained in § 122.15.

[T.D. 88-12, 53 FR 9292, Mar. 22, 1988, as amended by T.D. 88-16, 53 FR 10371, Mar. 31, 1988; T.D. 92-90, 57 FR 43397, Sept. 21, 1992; T.D. 93-66, 58 FR 44130, Aug. 19, 1993]

§ 122.2 Other Customs laws and regulations.

Except as otherwise provided for in this chapter, and insofar as such laws and regulations are applicable, aircraft arriving or having arrived from or departing for any foreign port or place, and the persons and merchandise, including baggage, carried thereon, shall be subject to the laws and regulations applicable to vessels to the extent that such laws and regulations are administered or enforced by Customs, as provided in 19 U.S.C. 1644 and 1644a.

[T.D. 88-12, 53 FR 9292, Mar. 22, 1988, as amended by T.D. 98-74, 63 FR 51288, Sept. 25, 1998]

§ 122.3 Availability of forms.

The forms mentioned in this part may be purchased from the director of port of entry. A small quantity of each form is set aside by port directors for free distribution and official use.

§ 122.4 English language required.

A translation in the English language shall be attached to the original and each copy of any form or document written or printed in a foreign language.

§ 122.5 Reproduction of Customs forms.

(a) *Specifications*. Subject to approval by Customs, the forms mentioned in this part may be printed by private parties if the specified size, wording arrangement, style and size of type, and quality of paper are used.

(b) *Exceptions*. Port directors may accept privately printed copies of the General Declaration (Customs Form 7507) and air cargo manifest (Customs Form 7509) which are different from the official forms. The privately printed forms shall include all information required on the official forms. The differences allowed are:

(1) *General Declaration*. Customs Form 7507 may be printed in several languages, so long as the form includes an English version. The instructions on the reverse side of the official form may be omitted.

(2) *Air cargo manifest*. Customs Form 7509 may be changed to allow for additional information used by the airline.

Subpart B—Classes of Airports

§ 122.11 Designation as international airport.

(a) *Procedure*. International airports, as defined in § 122.1(e), will be designated after due investigation to establish that sufficient need exists in any port to justify such designation and to determine the airport best suited for such purpose. In each case, a specific airport will be chosen. International airports will be publicly owned, unless circumstances require otherwise.

(b) *Withdrawal of designation*. The designation as an international airport may be withdrawn for any of the following reasons:

(1) The amount of business clearing through the airport does not justify maintenance of inspection equipment and personnel;

(2) Proper facilities are not provided or maintained by the airport;

(3) The rules and regulations of the Federal Government are not followed; or

(4) Some other location would be more useful.

(c) *Providing office space to the Federal Government*. Each international airport

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shall provide, without cost to the Federal Government, proper office and other space for the sole use of Federal officials working at the airport. A suitable paved loading area shall be supplied by each airport at a place convenient to the office space. The loading area shall be kept for the use of aircraft entering or clearing through the airport.

§ 122.12 Operation of international airports.

(a) *Entry, clearance and charges.* International airports are open to all aircraft for entry and clearance at no charge by Customs. However, charges may be assessed by the airport for commercial or private use of the airport.

(b) *Servicing of aircraft.* When an aircraft enters or clears through an international airport, it shall be promptly serviced by airport personnel solely on the basis of order of arrival or readiness for departure. Servicing charges imposed by the airport operators shall not be greater than the schedule of charges in effect at the airport in question.

(c) *FAA rules; denial of permission to land—(1) Federal Aviation Administration.* International airports must follow and enforce any requirements for airport operations, including airport rules that are set out by the Federal Aviation Administration in 14 CFR part 91.

(2) *Customs and Border Protection.* CBP, based on security or other risk assessments, may limit the locations where aircraft entering the United States from a foreign port or place may land. Consistent with § 122.32(a) of this Title, CBP has the authority to deny aircraft permission to land in the United States, based upon security or other risk assessments.

(3) *Commercial aircraft.* Permission to land at an international airport may be denied to a commercial aircraft if advance electronic information for incoming foreign cargo aboard the aircraft has not been received as provided in § 122.48a except in the case of emergency or forced landings.

(4) *Private Aircraft.* Permission to land at an international airport will be denied if the pilot of a private aircraft arriving from a foreign port or place fails to submit an electronic manifest

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and notice of arrival pursuant to § 122.22, except in the case of emergency or forced landings.

(d) *Additional requirements.* Additional requirements may be put into effect at a particular airport as the needs of the Customs port served by the airport demand.

[T.D. 88–12, 53 FR 9292, Mar. 22, 1988, as amended by CBP Dec. 03–32, 68 FR 68170, Dec. 5, 2003; CBP Dec. 08–43, 73 FR 68309, Nov. 18, 2008]

§ 122.13 List of international airports.

The following is a list of international airports of entry designated by the Secretary of the Treasury.

Location and Name

Albany, N.Y.—Albany County Airport
Baudette, Minn.—Baudette International Airport
Bellingham, Wash.—Bellingham International Airport
Brownsville, Tex.—Brownsville International Airport
Burlington, Vt.—Burlington International Airport
Calexico, Calif.—Calexico International Airport
Caribou, Maine—Caribou Municipal Airport
Chicago, Ill.—Midway Airport
Cleveland, Ohio—Cleveland Hopkins International Airport
Cut Bank, Mont.—Cut Bank Airport
Del Rio, Tex.—Del Rio International Airport
Detroit, Mich.—Detroit City Airport
Detroit, Mich.—Detroit Metropolitan Wayne County Airport
Douglas, Ariz.—Bisbee-Douglas International Airport
Duluth, Minn.—Duluth International Airport
Duluth, Minn.—Sky Harbor Airport
El Paso, Tex.—El Paso International Airport
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport
Friday Harbor, Wash.—Friday Harbor Seaplane Base
Grand Forks, N. Dak.—Grand Forks International Airport
Great Falls, Mont.—Great Falls International Airport
Havre, Mont.—Havre City-County Airport
Houlton, Maine—Houlton International Airport
International Falls, Minn.—Falls International Airport
Juneau, Alaska—Juneau Municipal Airport
Juneau, Alaska—Juneau Harbor Seaplane Base
Ketchikan, Alaska—Ketchikan Harbor Seaplane Base
Key West, Fla.—Key West International Airport

Laredo, Tex.—Laredo International Airport
 Massena, N.Y.—Richards Field
 Maverick, Tex.—Maverick County Airport
 McAllen, Tex.—Miller International Airport
 Miami, Fla.—Chalk Seaplane Base
 Miami, Fla.—Miami International Airport
 Minot, N.Dak.—Minot International Airport
 Nogales, Ariz.—Nogales International Airport
 Ogdensburg, N.Y.—Ogdensburg Harbor
 Ogdensburg, N.Y.—Ogdensburg International Airport
 Oroville, Wash.—Dorothy Scott Airport
 Oroville, Wash.—Dorothy Scott Seaplane Base
 Pembina, N.Dak.—Pembina Municipal Airport
 Port Huron, Mich.—St. Clair County International Airport
 Port Townsend, Wash.—Jefferson County International Airport
 Ranier, Minn.—Ranier International Seaplane Base
 Rochester, N.Y.—Rochester-Monroe County Airport
 Rouses Point, N.Y.—Rouses Point Seaplane Base
 San Diego, Calif.—San Diego International Airport (Lindbergh Field)
 Sandusky, Ohio—Griffing-Sandusky Airport
 Sault Ste. Marie, Mich.—Sault Ste. Marie City-County Airport
 Seattle, Wash.—King County International Airport
 Seattle, Wash.—Lake Union Air Service (Seaplanes)
 Tampa, Fla.—Tampa International Airport
 Tucson, Ariz.—Tucson International Airport
 Watertown, N.Y.—Watertown New York International Airport
 West Palm Beach, Fla.—Palm Beach International Airport
 Williston, N. Dak.—Sloulin Field International Airport
 Wrangell, Alaska—Wrangell Seaplane Base
 Yuma, Ariz.—Yuma International Airport

[T.D. 88-12, 53 FR 9292, Mar. 22, 1988, as amended by T.D. 96-44, 61 FR 25778, May 23, 1996; T.D. 99-40, 64 FR 18566, Apr. 15, 1999]

§ 122.14 Landing rights airport.

(a) *Permission to land.* Permission to land at a landing rights airport may be given as follows:

(1) *Scheduled flight.* The scheduled aircraft of a scheduled airline may be allowed to land at a landing rights airport. Permission is given by the director of the port, or his representative, at the port nearest to which first landing is made.

(i) *Additional flights, charters or changes in schedule—Scheduled aircraft.* If a new carrier plans to set up a new

flight schedule, or an established carrier makes changes in its approved schedule, landing rights may be granted by the port director.

(ii) *Additional or charter flight.* If a carrier or charter operator wants to begin operating or to add flights, application must be made to the port director for landing rights. All requests must be made not less than 48 hours before the intended time of arrival, except in emergencies. If the request is oral, it must be put in writing before or at the time of arrival.

(2) *Private aircraft.* The pilots of private aircraft are required to secure permission to land from CBP following transmission of the advance notice of arrival via an electronic data interchange system approved by CBP, pursuant to § 122.22. Prior to departure as defined in § 122.22(a), from a foreign port or place, the pilot of a private aircraft must receive a message from CBP that landing rights have been granted for that aircraft at a particular airport.

(3) *Other aircraft.* Following advance notice of arrival pursuant to § 122.31, all other aircraft may be allowed to land at a landing rights airport by the director of the port of entry or station nearest the first place of landing.

(4) *Denial or withdrawal of landing rights.* Permission to land at a landing rights airport may be denied or permanently or temporarily withdrawn for any of the following reasons:

(i) Appropriate and/or sufficient Federal Government personnel are not available;

(ii) Proper inspectional facilities or equipment are not available at, or maintained by, the requested airport;

(iii) The entity requesting the landing rights has a history of failing to abide by appropriate instructions given by a CBP officer;

(iv) Reasonable grounds exist to believe that applicable Federal rules and regulations pertaining to safety, including cargo safety and security, CBP, or other inspectional activities may not be adhered to; or

(v) CBP has deemed it necessary to deny landing rights to an aircraft.

(5) *Appeal of denial or withdrawal of landing rights for commercial scheduled aircraft as defined in section 122.1(d).* In

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the event landing rights are denied or subsequently permanently withdrawn by CBP, within 30 days of such decision, the affected party may file a written appeal with the Assistant Commissioner, Office of Field Operations, Headquarters.

(6) *Emergency or forced landing.* Permission to land is not required for an emergency or forced landing (covered under § 122.35).

(b) *Payment of expenses.* In the case of an arrival at a location outside the limits of a port of entry, the owner, operator or person in charge of the aircraft must pay any added charges for inspecting the aircraft, passengers, employees and merchandise when landing rights are given (see §§ 24.17 and 24.22(e) of this chapter).

(c) *Payment of expenses.* In the case of an arrival at a location outside the limits of a port of entry, the owner, operator or person in charge of the aircraft shall pay any added charges for inspecting the aircraft, passengers, employees and merchandise when landing rights are given (see §§ 24.17 and 24.22(e) of this chapter).

(d) *Denial or withdrawal of landing rights.* Permission to land at a landing rights airport may be denied or withdrawn for any of the following reasons:

(1) Appropriate and/or sufficient Federal Government personnel are not available;

(2) Proper inspectional facilities or equipment are not available at, or maintained by, the requested airport;

(3) The entity requesting services has failed to abide by appropriate instructions of a Customs officer;

(4) Advance cargo information has not been received as provided in § 122.48a;

(5) Other reasonable grounds exist to believe that Federal rules and regulations pertaining to safety, including cargo safety and security, and Customs, or other inspectional activities have not been followed; or

(6) The granting of the requested landing rights would not be in the best interests of the Government.

(e) *Appeal of denial or withdrawal.* In the event landing rights are denied or withdrawn by the port director, a written appeal of the decision may be made

to the Assistant Commissioner, Office of Field Operations, Headquarters.

[T.D. 88–12, 53 FR 9292, Mar. 22, 1988. Redesignated and amended by T.D. 92–90, 57 FR 43397, Sept. 21, 1992; T.D. 95–77, 60 FR 50020, Sept. 27, 1995; T.D. 99–27, 64 FR 13675, Mar. 22, 1999; CBP Dec. 03–32, 68 FR 68170, Dec. 5, 2003; CBP Dec. 08–43, 73 FR 68309, Nov. 18, 2008]

§ 122.15 User fee airports.

(a) *Permission to land.* The procedures for obtaining permission to land at a user fee airport are the same procedures as those set forth in § 122.14 for landing rights airports.

(b) *List of user fee airports.* The following is a list of user fee airports designated by the Commissioner of Customs in accordance with 19 U.S.C. 58b. The list is subject to change without notice. Information concerning service at any user fee airport can be obtained by calling the airport or its authority directly.

Location	Name
Addison, Texas	Addison Airport.
Ardmore, Oklahoma	Ardmore Industrial Airpark.
Bakersfield, California.	Meadows Field Airport.
Bedford, Massachusetts.	L.G. Hanscom Field.
Broomfield, Colorado.	Jefferson County Airport.
Carlsbad, California	McClellan-Palomar Airport.
Dallas, Texas	Dallas Love Field Municipal Airport
Daytona Beach, Florida.	Daytona Beach International Airport.
Decatur, Illinois	Decatur Airport.
Egg Harbor Township, New Jersey.	Atlantic City International Airport.
Englewood, Colorado.	Centennial Airport.
Fort Worth, Texas ..	Fort Worth Alliance Airport.
Fresno, California ...	Fresno Yosemite International Airport.
Gypsum, Colorado	Eagle County Regional Airport.
Harlingen, Texas ...	Valley International Airport.
Hillsboro, Oregon ...	Hillsboro Airport.
Johnson City, New York.	Binghamton Regional Airport.
Lansing, Michigan ..	Capital Region International Airport.
Leesburg, Florida ...	Leesburg Regional Airport.
Lexington, Kentucky	Blue Grass Airport.
Manchester, New Hampshire.	Manchester Airport.
Mascoutah, Illinois	MidAmerica St. Louis Airport.
McKinney, Texas ...	Collin County Regional Airport.
Melbourne, Florida	Melbourne Airport.
Mesa, Arizona	Williams Gateway Airport.
Midland, Texas	Midland International Airport.
Morristown, New Jersey.	Morristown Municipal Airport.
Moses Lake, Washington.	Grant County International Airport.
Myrtle Beach, South Carolina.	Myrtle Beach International Airport.
Naples, Florida	Naples Municipal Airport.
Orlando, Florida	Orlando Executive Airport.

Location	Name
Palm Springs, California.	Palm Springs International Airport.
Rochester, Minnesota.	Rochester International Airport.
Rogers, Arkansas ..	Rogers Municipal Airport.
St. Augustine, Florida.	St. Augustine Airport.
San Bernardino, California.	San Bernardino International Airport.
San Antonio, Texas	Kelly Field Annex.
Sarasota, Florida	Sarasota/Bradenton International Airport.
Scottsdale, Arizona	Scottsdale Airport.
Sugar Land, Texas	Sugar Land Regional Airport.
Trenton, New Jersey.	Trenton Mercer Airport.
Victorville, California	Southern California Logistics Airport.
Waterford, Michigan	Oakland County International Airport.
Waukegan, Illinois ..	Waukegan Regional Airport.
West Chicago, Illinois.	Dupage County Airport.
Wheeling, Illinois	Chicago Executive Airport.
Yoder, Indiana	Fort Wayne International Airport.
Ypsilanti, Michigan	Willow Run Airport.

(c) *Withdrawal of designation.* The designation as a user fee airport shall be withdrawn under either of the following circumstances:

(1) If either Customs or the airport authority gives 120 days written notice of termination to the other party; or

(2) If any amounts due to be paid to Customs are not paid on a timely basis.

[T.D. 92-90, 57 FR 43397]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §122.15, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

Subpart C—Private Aircraft

§ 122.21 Application.

This subpart applies to all private aircraft as defined in §122.1(h). No other provisions of this part apply to private aircraft, except where stated in this subpart.

§ 122.22 Electronic manifest requirement for all individuals onboard private aircraft arriving in and departing from the United States; notice of arrival and departure information.

(a) *Definitions.* For purposes of this section:

Departure. “Departure” means the point at which the aircraft is airborne and the aircraft is en route directly to its destination.

Departure Information. “Departure Information” refers to the data elements that are required to be electronically submitted to CBP pursuant to paragraph (c)(4) of this section.

Pilot. “Pilot” means the individual(s) responsible for operation of an aircraft while in flight.

Travel Document. “Travel Document” means U.S. Department of Homeland Security approved travel documents.

United States. “United States” means the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, Guam and the Commonwealth of the Northern Mariana Islands.

(b) *Electronic manifest requirement for all individuals onboard private aircraft arriving in the U.S.; notice of arrival—(1) General requirement.* The private aircraft pilot is responsible for ensuring the notice of arrival and manifest information regarding each individual onboard the aircraft are transmitted to CBP. The pilot is responsible for the submission, accuracy, correctness, timeliness, and completeness of the submitted information, but may authorize another party to submit the information on their behalf. Except as provided in paragraph (b)(7) of this section, all data must be transmitted to CBP by means of an electronic data interchange system approved by CBP and must set forth the information specified in this section. All data pertaining to the notice of arrival for the aircraft and the manifest data regarding each individual onboard the aircraft must be transmitted at the same time via an electronic data interchange system approved by CBP.

(2) *Time for submission.* The private aircraft pilot is responsible for ensuring that the information specified in paragraphs (b)(3) and (b)(4) of this section is transmitted to CBP:

(i) For flights originally destined for the United States, any time prior to departure of the aircraft, but no later than 60 minutes prior to departure of the aircraft from the foreign port or place; or

(ii) For flights not originally destined to the United States, but diverted to a U.S. port due to an emergency, no later than 30 minutes prior to arrival; in cases of non-compliance,