amended, if the carrier establishes at
an oral presentation before the port di-
rector or his designee, that the carrier
was not grossly negligent nor engaged
in willful misconduct, and that it had
complied with all the provisions of
these regulations.

§ 122.176 Removal from ACSPP.

(a) Grounds for removal from ACSSPP.
The Assistant Commissioner, Office of
Field Operations, may revoke or
suspend the privilege of operating as a
member of the ACSPP if:
(1) Acceptance into the program was
gained through fraud or the
misstatement of a material fact;
(2) The carrier refuses or neglects to
obey any proper order of a Customs of-
ficer or any Customs order, rule, or
regulation relative to its cooperation
within the program;
(3) An officer of the carrier or cor-
poration which has been accepted into
the program is convicted of a felony or
misdemeanor involving theft, smug-
gling, or other theft-connected crime
which was committed in his or her offi-
cial capacity as an officer of the car-
rrier, or is convicted of any Customs-re-
lated crime;
(4) The carrier fails to retain mer-
chandise which has been designated for
examination;
(5) The carrier does not provide se-
cure facilities or properly safeguard
merchandise within its area of control;
or
(6) The carrier fails to observe any of
the procedures which it had set forth in
the SOP which served as the basis for
the carrier’s acceptance into the pro-
gram; and
(7) The carrier has been notified in
writing that it has been found in non-
compliance with a provision of the pro-
gram and has failed to correct such
noncompliance after having been given
a reasonable opportunity to correct
such noncompliance.

(b) Notice and appeal. The Assistant
Commissioner, Office of Field Oper-
ations, shall suspend or remove partici-
pants from the ACSPP by serving no-
tice of the proposed action upon the
carrier in writing. The notice shall be
in the form of a statement specifically
setting forth the grounds for suspen-
sion or removal and shall provide the
carrier with notice that it may file a
written notice of appeal from suspen-
sion or revocation within 10 days fol-
lowing receipt of the notice of revoca-
tion or suspension. The notice of ap-
peal shall be filed in duplicate to the
office of the Assistant Commissioner,
Field Operations, and shall set forth re-
spoke of the carrier to the statement
of the Assistant Commissioner.

(c) Notice of decision. The Assistant
Commissioner, Office of Field Opera-
tions, shall notify the participating
carrier in writing of the decision con-
cerning continued participation in the
program.

(d) Use of uniform criteria. When mak-
ing any determination regarding a car-
rrier’s participation or continuation in
the ACSPP, the Assistant Commissi-
oner, Office of Field Operations, shall
employ a uniform standard of perform-
ance and evaluation.

Subpart S—Access to Customs
Security Areas

§ 122.181 Definition of Customs secu-
re area.

For purposes of this section, the term
“Customs security area” means the
Federal inspection services area at any
airport accommodating international
air commerce designated for processing
passengers, crew, their baggage and ef-
facts arriving from, or departing to,
foreign countries, as well as the air-
craft deplaning and ramp area and
other restricted areas designated by
the port director. These areas will be
posted as restricted to the extent pos-
sible and are established for the pur-
pose of prohibiting unauthorized en-
tries or contact with persons or ob-
jects.

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