

Aviation Group Client Update

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CBP CHANGES STATUTORY AUTHORITY FOR PETITIONS FOR RELIEF

Last week, U.S. Customs and Border Protection (CBP) published a [Final Rule](#) in the Federal Register noting changes in the statutory authority for petitions for relief. The final rule amends CBP regulations by making technical corrections that reflect the repeal of one of the underlying statutory authorities regarding petitions for relief from a fine, penalty, forfeiture, or liquidated damages under a law administered by CBP.

The purpose of the technical corrections is to conform statutory authority sections listed in 19 CFR Parts 171 and 172 and the text of the relevant regulatory provisions to reflect the repeal of 46 U.S.C. Appendix § 320, which is currently cited as one of the underlying statutory authorities. Title 46 U.S.C. Appendix § 320 was repealed as part of the recodification of the appendix to Title 46 U.S.C., by [Public Law 109-304, Section 19 \(120 Stat. 1711\)](#), which was enacted October 6, 2006. This final rule removes the repealed statutory citation from the CBP regulations.

Administrative petition rights are not affected by the removal of this authority because CBP has other existing statutory authority for these provisions. Further, this rule does not alter the rights of a person alleged to have committed a violation, or a breach of a bond condition, to petition for relief.

In addition, the final rule amends 19 CFR 171.12 to reflect the transfer of authority from the U.S. Department of the Treasury to the Department of Homeland Security (DHS) and the delegation of authority from the Secretary of DHS to the Commissioner of CBP over fines, penalties, and forfeitures.

The final rule became effective on **April 2, 2012**. Please contact our office with questions regarding the CBP final rule.

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