

U.S. Customs and Border Protection

Docket No. USCBP-2010-0033

UTILIZATION OF GLOBAL ENTRY KIOSKS BY NEXUS AND SENTRI PARTICIPANTS

AGENCY: U.S. Customs and Border Protection; Department of Homeland Security.

ACTION: General notice and request for comments.

SUMMARY: U.S. Customs and Border Protection (CBP) operates several international trusted traveler programs to provide expedited entry into the United States at designated ports of entry for pre-approved travelers. Through the utilization of automated kiosks, the Global Entry pilot program allows CBP to expedite clearance of pre-approved, low-risk air travelers arriving in the United States. In this notice, CBP is announcing that it is expanding two other trusted traveler programs, NEXUS and the Secure Electronic Network for Travelers Rapid Inspection (SENTRI), to permit participants of these programs currently in good standing to utilize Global Entry kiosks as part of their NEXUS or SENTRI membership. CBP also is describing the terms and conditions for such use. NEXUS is a program jointly administered by the United States and Canada that allows certain pre-approved, low-risk travelers expedited processing for travel between the United States and Canada. The SENTRI trusted traveler program allows certain pre-approved, low-risk travelers expedited entry at specified land border ports along the U.S.-Mexico border.

EFFECTIVE DATE: Eligible NEXUS or SENTRI participants may begin to utilize the Global Entry kiosks immediately upon notification of eligibility from CBP. Comments concerning this notice and all aspects of the announced Global Entry pilot may be submitted throughout the duration of the pilot.

ADDRESSES: You may submit comments, identified by “USCBP-2010-0033,” by *one* of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Mail: Border Security Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, Mint Annex 799 9th Street, NW, Washington, DC 20229.

Instructions: All submissions received must include the agency name, document title, and docket number (USCBP-2010–0033) for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to <http://www.regulations.gov>. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Office of Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street, NW, 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

Applications for NEXUS, SENTRI and the Global Entry pilot are available through the Global Online Enrollment System (GOES) via the GOES website, <https://goes-app.cbp.dhs.gov>.

FOR FURTHER INFORMATION CONTACT: Larry Panetta, Office of Field Operations, (202) 344–1253.

SUPPLEMENTARY INFORMATION:

BACKGROUND

CBP operates several voluntary trusted traveler programs to provide expedited travel for certain pre-approved travelers. While each program caters to a different set of travelers based on the program's unique eligibility criteria, any applicant to a trusted traveler program undergoes the same CBP pre-screening process. The three trusted traveler programs relevant to this document are described below.

NEXUS Trusted Traveler Program

NEXUS is a joint trusted traveler program between the United States and Canada. It was established in 2002 as part of the U.S.-Canada Shared Border Accord. NEXUS allows pre-approved, low-risk travelers expedited processing for travel between the United States and Canada at dedicated processing lanes at designated northern border ports of entry, at NEXUS kiosks at U.S. pre-clearance airports in Canada, and at marine reporting locations. An applicant may qualify to participate in NEXUS if he or she is a citizen or lawful

permanent resident of the United States or Canada and voluntarily undergoes a thorough background check by U.S. and Canadian authorities against criminal, law enforcement, customs, immigration, and terrorist databases, a 10-fingerprint law enforcement check and a personal interview with a CBP officer. An applicant is ineligible to participate in NEXUS if inadmissible to the United States or Canada under either U.S. or Canadian immigration law. Any one of the following risk factors may disqualify an individual from NEXUS participation:

- The individual provides false or incomplete information on his or her application;
- The individual has been convicted of a criminal offense in any country;
- The individual is a subject of an ongoing investigation by any federal, state or local law enforcement agency in any country;
- The individual has been found to have violated any customs, agriculture, or immigration regulation or laws in any country;
- The individual is inadmissible to the United States or Canada under applicable immigration laws or regulations, including applicants with approved waivers of inadmissibility or parole documentation;
- The individual does not intend to lawfully reside in either Canada or the United States for the term of his or her NEXUS membership; or
- The individual cannot satisfy CBP of his or her low-risk status or meet other NEXUS program requirements.

To participate in NEXUS, both the United States and Canada must approve the individual's application. Denial of an application by either country will keep an applicant from participating in the NEXUS program. Applicants may apply on-line via the CBP GOES website, <https://goes-app.cbp.dhs.gov>, or on paper by mailing the application to Canada Border Services Agency. All qualified applicants are required to travel to a NEXUS Enrollment Center for an interview. If approved to participate in NEXUS, the individual will receive a membership identification card to use when entering Canada or the United States at all designated NEXUS air, land and marine ports of entry. Additional details regarding the NEXUS trusted traveler program can be found at <http://www.nexus.gov>.

SENTRI Trusted Traveler Program

CBP operates the Port Passenger Accelerated Service System (PORTPASS), a legacy system of the former Immigration and Naturalization Service, which identifies certain ports of entry as providing access to the United States for identified low-risk border crossers. The system is described in detail in 8 CFR 235.7. One PORTPASS program is the Secure Electronic Network for Travelers Rapid Inspection (SENTRI). SENTRI currently allows expedited entry at specified land border ports along the U.S.-Mexico border for pre-approved, low-risk travelers. All applicants must voluntarily undergo a thorough background check against criminal, law enforcement, customs, immigration, and terrorist databases, a 10-fingerprint law enforcement check and a personal interview with a CBP officer. Any one of the following risk factors may disqualify an individual from SENTRI participation:

- The individual provides false or incomplete information on his or her application;
- The individual has been convicted of a criminal offense or has pending criminal charges, including outstanding warrants;
- The individual has been found to have violated any customs, agriculture, or immigration regulation or laws in any country;
- The individual is a subject of an ongoing investigation by any federal, state or local law enforcement agency in any country;
- The individual is inadmissible to the United States under applicable immigration laws or regulations, including applicants with approved waivers of inadmissibility or parole documentation;
- The individual cannot satisfy CBP of his or her low-risk status or meet other program requirements.

Applicants may apply for SENTRI on-line via the CBP GOES Web site. Once the individual's application is approved by CBP, the applicant is issued a Radio Frequency Identification Card (RFID) that identifies his or her record and status in the CBP database upon arrival at the U.S. port of entry. A decal is also issued to the applicant's vehicle or motorcycle. Additional details regarding the SENTRI trusted traveler program can be found at www.sentri.gov.

Global Entry Trusted Traveler Pilot Program

In a notice published in the **Federal Register** on April 11, 2008 (73 FR 19861), CBP announced an international trusted traveler pilot program, currently referred to as Global Entry, which allows for the

expedited clearance of pre-approved, low-risk travelers into the United States. The Global Entry pilot program permits pilot participants expedited entry into the United States at any of the designated airport locations by using automated kiosks located in the Federal Inspection Services (FIS) area of each airport.

The Global Entry pilot is currently operational at the following twenty airports: John F. Kennedy International Airport, Jamaica, New York, (JFK); George Bush Intercontinental Airport, Houston, Texas (IAH); Washington Dulles International Airport, Sterling, Virginia (IAD); Los Angeles International Airport, Los Angeles, California (LAX); Hartsfield-Jackson Atlanta International Airport, Atlanta, Georgia (ATL); Chicago O'Hare International Airport, Chicago, Illinois (ORD); and Miami International Airport, Miami, Florida (MIA); Newark Liberty International Airport, Newark, New Jersey (EWR); San Francisco International Airport, San Francisco, California (SFO); Orlando International Airport, Orlando, Florida (MCO); Detroit Metropolitan Wayne County Airport, Romulus, Michigan (DTW); Dallas Fort Worth International Airport, Dallas, Texas (DFW); Honolulu International Airport, Honolulu, Hawaii (HNL); Boston - Logan International Airport, Boston, Massachusetts (BOS); Las Vegas - McCarran International Airport, Las Vegas, Nevada (LAS); Sanford - Orlando International Airport, Sanford, Florida (SFB); Seattle - Tacoma International Airport-SEATAC, Seattle, Washington (SEA); Philadelphia International Airport, Philadelphia, Pennsylvania (PHL); San Juan - Luis Munos Marin International Airport, San Juan, Puerto Rico (SJU) and Ft. Lauderdale Hollywood International Airport, Fort Lauderdale, Florida (FLL).

Applicants may apply for the Global Entry pilot via the CBP GOES website. Participation is limited to U.S. citizens, U.S. nationals, U.S. lawful permanent residents (LPRs), citizens of the Netherlands who participate in Privium through the FLUX Arrangement and, as of [INSERT DATE OF PUBLICATION OF MEXICO NOTICE IN THE **FEDERAL REGISTER**], Mexican nationals.¹ Global Entry uses fingerprint biometrics technology to verify a participant's identity and confirm his or her status as a participant. For a detailed description of the Global Entry pilot program, including eligibility criteria, please refer to the April 11, 2008 **Federal Register** notice, 73 FR 19861; the May 27, 2008 **Federal Register** notice, 73 FR 30416; the August 13, 2008 **Federal Register** notice, 73 FR 47204; the April

¹ On [INSERT DATE OF PUBLICATION OF MEXICO NOTICE IN THE **FEDERAL REGISTER**], CBP announced by a separate notice published in the **Federal Register** that, pursuant to a Joint Declaration between the U.S. Department of Homeland Security and the Secretariat of Governance of the United Mexican States, Mexican nationals are eligible to apply for participation in the Global Entry pilot program.

23, 2009 **Federal Register** notice, 74 FR 18586; and the August 10, 2009 **Federal Register** notice, 74 FR 39965.

Notice of Proposed Rulemaking to Establish Global Entry as a Permanent Program

In a Notice of Proposed Rulemaking (NPRM), published in the **Federal Register** on November 19, 2009 (74 FR 59932), CBP proposed establishing Global Entry as a permanent voluntary international trusted traveler program which would operate in a manner similar to the Global Entry pilot program. The comment period has closed and CBP is in the process of analyzing the comments. As provided in the NPRM, current participants in the Global Entry pilot program would be automatically enrolled in Global Entry once the permanent Global Entry program is finalized. Although it is projected that the Global Entry program will eventually operate at all major U.S. international airports, at the start of the program, it is anticipated that its operation would initially be limited to the airports participating in the pilot program.

EXPANDED UTILIZATION OF GLOBAL ENTRY KIOSKS

Section 7208(k) of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), 118 Stat. 3638, as amended by section 565 of the Consolidated Appropriations Act, 2008, 121 Stat. 1844, codified at 8 U.S.C. 1365b, requires the Secretary of Homeland Security to create a program to expedite the screening and processing of pre-approved, low-risk air travelers into the United States. Under the IRTPA, expediting the travel of previously screened and known travelers across the borders of the United States should be a high priority. *See* 8 U.S.C. 1365b(k)(1)(A).

Although the Global Entry kiosks were initially set up for the sole use of Global Entry participants, CBP intends to eventually allow participants in other CBP trusted traveler programs use of the Global Entry kiosks as a benefit of membership in those other trusted traveler programs. This expanded use of the kiosks will expedite the travel of participants of the other trusted traveler programs at more border crossings in the United States. It will also allow officers to better focus on identifying terrorists and other high risk travelers attempting to enter the United States. This document announces that eligible participants in NEXUS and SENTRI may use the Global Entry kiosks and the terms and condition for such use.

Current NEXUS Participants May Use Global Entry Kiosks

Terms and Conditions

A NEXUS participant who is in good standing in the NEXUS trusted traveler program will be eligible to utilize the Global Entry kiosks as a benefit of his or her NEXUS membership provided that he or she meets the age restrictions of the Global Entry pilot program (14 years of age or older) or the Global Entry permanent program once it is established. A NEXUS participant will only have access to the Global Entry kiosks for the amount of time remaining on his or her NEXUS membership. However, access to the Global Entry kiosks would continue for the full period of the NEXUS membership upon approval of the renewed NEXUS membership.

A NEXUS participant will receive an email from CBP, provided that an email address is supplied in his or her GOES account, informing the participant to log into his or her GOES account to confirm eligibility to use the Global Entry kiosks. CBP will also notify NEXUS participants of their eligibility by posting messages to their GOES accounts, mailing post cards to participants' mailing addresses, and by updating the Trusted Traveler websites. Any participant who needs further information as to whether he or she qualifies for the additional benefits, may call any Trusted Traveler enrollment center (phone numbers are provided at www.globalentry.gov). The eligibility notification will tell the participant whether or not the individual may immediately begin utilizing the Global Entry kiosks. If the individual is notified that he or she is not eligible to immediately begin utilizing the Global Entry kiosks, then the participant will need to contact the Enrollment Center to provide the missing information (fingerprints or passport). Once the NEXUS participant's complete information is on file, he or she may immediately begin using the Global Entry kiosks.

Use of the Global Entry kiosks is voluntary. Thus, providing additional information requested by CBP is voluntary, although it will be required in order to utilize the Global Entry kiosks. If a NEXUS participant elects not to provide the additional information, his or her status in the NEXUS program will remain unchanged.

Current SENTRI Participants Are Eligible to Use Global Entry Kiosks

Terms and Conditions

Mexican nationals, U.S. citizens and U.S. LPRs who are already participants in good standing in the SENTRI trusted traveler pro-

gram and who meet the age restrictions of the Global Entry pilot program (14 years of age or older) or the age restrictions of the Global Entry permanent program once it is established, may utilize the Global Entry kiosks as a benefit of SENTRI membership if they follow the procedures described below. A Mexican national who is a SENTRI participant may utilize the Global Entry kiosks provided he or she successfully completes a thorough risk assessment by the Mexican government. A qualifying SENTRI participant will have access to Global Entry kiosks for the amount of time remaining on his or her SENTRI membership. However, access to the Global Entry kiosks would continue for the full period of the SENTRI membership upon approval of the renewed SENTRI membership.

A SENTRI participant will receive an email from CBP, provided that an email address is supplied in his or her GOES account, informing the participant to log in to his or her GOES account to confirm eligibility to use the Global Entry kiosks. CBP will also notify SENTRI participants of their eligibility by posting messages to their GOES accounts, mailing post cards to participants' mailing addresses, and by updating the Trusted Traveler websites. Any participant who needs further information as to whether he or she qualifies for the additional benefits, may call any Trusted Traveler enrollment center (phone numbers are provided at www.globalentry.gov). Before a SENTRI participant who is a Mexican national may be qualified to utilize the Global Entry kiosks he or she must indicate his or her wish to use the Global Entry kiosks on the GOES website by checking the relevant box. By checking the box, the person authorizes the U.S. government to release all relevant information to the Mexican government for the purpose of conducting a thorough risk assessment.

The eligibility notification will tell the participant whether or not the individual may immediately begin utilizing the Global Entry kiosks. If the individual is notified that he or she is not eligible to immediately begin utilizing the Global Entry kiosks, then the participant will need to contact the Enrollment Center to provide the missing information (fingerprints or passport). Once the SENTRI participant's complete information is on file, he or she may immediately begin using the Global Entry kiosks.

Use of the Global Entry kiosks is voluntary. Thus, providing the additional information to CBP is voluntary, although it will be required in order to use the Global Entry kiosks. If a SENTRI participant elects not to provide the additional information, his or her status in the SENTRI program will remain unchanged.

Operations

A NEXUS or qualified SENTRI participant does not have to wait in the regular passport control primary inspection line. After arriving at the FIS area, the participant would proceed directly to the Global Entry kiosks. After arriving at the kiosks, the NEXUS or qualified SENTRI participant will utilize the Global Entry kiosk through the same procedures as a Global Entry participant by inserting either a machine-readable passport or a machine-readable U.S. permanent resident card into the document reader. Machine readable passports and U.S. permanent resident cards are used for Global Entry kiosk transactions because, unlike NEXUS and SENTRI, Global Entry does not utilize membership cards. On-screen instructions will guide the participant to provide fingerprints electronically. These fingerprints are compared with the fingerprint biometrics on file to validate identity and confirm that the individual is a member of the program. The participant is also prompted to look at the camera for a digital photograph and to respond to several customs declaration questions by use of a touch-screen.

When the procedures at the kiosk have been successfully completed, the participant is issued a transaction receipt. This receipt must be provided along with the passport or permanent resident card to the CBP officer at the exit control area who will examine and inspect these documents. CBP officers stationed in booths next to the kiosk lanes also oversee activities at the kiosk.

Declarations

When using the Global Entry kiosks, NEXUS and qualified SENTRI participants are required under 19 CFR 148.11 to declare all articles being brought into the U.S. If a NEXUS or qualified SENTRI participant declares any of the following, the kiosk redirects that user to the head of the line at the nearest open passport control primary inspection station:

- (a) Commercial merchandise or commercial samples, or items that exceed the applicable personal exemption amount;
- (b) More than \$10,000 in currency or other monetary instruments (checks, money orders, etc.), or foreign equivalent in any form;
or
- (c) Restricted/prohibited goods, such as agricultural products, firearms, mace, pepper spray, endangered animals, birds, controlled substances, fireworks, Cuban goods, and plants.

NEXUS or qualified SENTRI participants may also be subject to further examination and inspection as determined by CBP officers at any time during the arrival process.

For further details about the relevant airport procedures, please refer to the April 11, 2008 **Federal Register** notice, 73 FR 19861.

All other aspects of the NEXUS and SENTRI programs and the Global Entry pilot program (as described in the previous Global Entry pilot notices) are still in effect.

Dated: December 23, 2010

THOMAS S. WINKOWSKI
Assistant Commissioner
Office of Field Operations

[Published in the Federal Register, December 29, 2010 (75 FR 82202)]



Docket No. USCBP-2006-0037

EXPANSION OF GLOBAL ENTRY PILOT TO MEXICAN NATIONALS

AGENCY: U.S. Customs and Border Protection; Department of Homeland Security.

ACTION: General notice and request for comments.

SUMMARY: U.S. Customs and Border Protection (CBP) is conducting an international trusted traveler pilot program, referred to as the Global Entry pilot, at several major U.S. airports. Currently, eligibility is limited to U.S. citizens, U.S. nationals, U.S. lawful permanent residents (LPRs), and certain eligible citizens of the Netherlands. This document announces that pursuant to a Joint Declaration between the U.S. Department of Homeland Security and the Secretariat of Governance of the United Mexican States, CBP is expanding eligibility for participation in the Global Entry pilot to include qualified nationals of Mexico who otherwise satisfy the requirements for participation in the Global Entry pilot.

EFFECTIVE DATE: The expansion of eligibility in the Global Entry pilot to qualified nationals of Mexico will occur on December 29, 2010. Applications are currently being accepted from U.S. citizens, U.S. nationals, U.S. lawful permanent residents, and certain eligible citizens of the Netherlands and will be accepted for the duration of the pilot. Applications will be accepted from nationals of Mexico beginning December 29, 2010. Comments

concerning this notice and all aspects of the announced pilot may be submitted throughout the duration of the pilot.

ADDRESSES: You may submit comments, identified by “USCBP-2006–0037,” by *one* of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Border Security Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, Mint Annex, 799 9th Street, NW, Washington, DC 20229.

Instructions: All submissions received must include the agency name, document title, and docket number (USCBP-2006–0037) for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to <http://www.regulations.gov>. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Office of Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street, NW, 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

Applications for the Global Entry pilot are available via the CBP Global Entry website, www.globalentry.gov or through the Global On-Line Enrollment System (GOES) website, <https://goes-app.cbp.dhs.gov>. Applications must be completed and submitted electronically.

FOR FURTHER INFORMATION CONTACT: Larry Panetta, Office of Field Operations, (202) 344–1253.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In a notice published in the **Federal Register** on April 11, 2008 (73 FR 19861), CBP announced an international trusted traveler pilot program, then referred to as International Registered Traveler (IRT) program, which was scheduled to commence operations at three initial U.S. airports on June 10, 2008. In a subsequent notice published

in the **Federal Register** on May 27, 2008 (73 FR 30416), CBP changed the name of the pilot program from IRT to Global Entry and moved up the starting date to June 6, 2008.

The Global Entry pilot allows for the expedited clearance of pre-approved, low-risk travelers into the United States. Currently, eligibility is limited to U.S. citizens, U.S. nationals, U.S. lawful permanent residents (LPRs), and certain eligible citizens of the Netherlands. The initial **Federal Register** notice published on April 11, 2008 contained a detailed description of the program, the eligibility criteria and the application and selection process, and the initial airport locations: John F. Kennedy International Airport, Jamaica, New York, Terminal 4 (JFK); the George Bush Intercontinental Airport, Houston, Texas (IAH); and the Washington Dulles International Airport, Sterling, Virginia (IAD). CBP chose these initial airports due to the large numbers of travelers that arrive at those locations from outside the United States.

On August 13, 2008, in a notice published in the **Federal Register** (73 FR 47204), CBP announced that the Global Entry pilot had expanded to include all terminals at JFK and four additional airports: Los Angeles International Airport, Los Angeles, California (LAX); Hartsfield-Jackson Atlanta International Airport, Atlanta, Georgia (ATL); Chicago O'Hare International Airport, Chicago, Illinois (ORD); and Miami International Airport, Miami, Florida (MIA). Additionally, on April 23, 2009, in a notice published in the **Federal Register** (74 FR 18586), pursuant to an arrangement between the United States and the Netherlands, CBP expanded eligibility for participation in the Global Entry pilot to include citizens of the Netherlands who participate in Privium, an expedited travel program in the Netherlands.

On August 10, 2009, in a notice published in the **Federal Register** (74 FR 39965), CBP announced that the Global Entry pilot had again expanded to include thirteen additional airports: Newark Liberty International Airport, Newark, New Jersey (EWR); San Francisco International Airport, San Francisco, California (SFO); Orlando International Airport, Orlando, Florida (MCO); Detroit Metropolitan Wayne County Airport, Romulus, Michigan (DTW); Dallas Fort Worth International Airport, Dallas, Texas (DFW); Honolulu International Airport, Honolulu, Hawaii (HNL); Boston--Logan International Airport, Boston, Massachusetts (BOS); Las Vegas--McCarran International Airport, Las Vegas, Nevada (LAS); Sanford--Orlando International Airport, Sanford, Florida (SSB); Seattle--Tacoma International Airport--SEATAC, Seattle, Washington (STT); Philadelphia International Airport, Philadelphia, Pennsylvania (PHL); San Juan - Luis Munos Marin International Airport, San Juan, Puerto Rico (SAJ) and Ft. Lauderdale Hollywood International Airport, Fort Lauderdale, Florida (FLL).

Operations

The Global Entry pilot allows pilot participants expedited entry into the United States at any of the designated airport locations by using automated kiosks located in the Federal Inspection Services (FIS) area of each airport. The Global Entry pilot uses fingerprint biometrics technology to verify a participant's identity and confirm his or her status as a participant.

Global Entry pilot participants do not have to wait in the regular passport control primary inspection lines. After arriving at the FIS area, participants proceed directly to the Global Entry kiosk. A sticker affixed to the participant's passport at the time of acceptance in the Global Entry pilot provides visual identification that the individual can be referred to the kiosk.

After arriving at the kiosk, participants activate the system by inserting either a machine-readable passport or a machine-readable U.S. permanent resident card (Form I-551) into the document reader. On-screen instructions guide participants to provide fingerprints electronically. These fingerprints are compared with the fingerprint biometrics on file to validate identity and confirm that the individual is a member of the program. Participants are also prompted to look at the camera for a digital photograph and to respond to several customs declaration questions by use of a touch-screen.

When the procedures at the kiosk have been successfully completed, participants are issued a transaction receipt. This receipt must be provided along with the passport or permanent resident card to the CBP Officer at the exit control area who will examine and inspect these documents. CBP officers stationed in booths next to the kiosk lanes also oversee activities at the kiosk.

Declarations

When using the Global Entry kiosks, Global Entry pilot participants are required to declare all articles being brought into the U.S. pursuant to 19 CFR 148.11.

If a Global Entry pilot participant declares any of the following, the kiosk redirects that user to the head of the line at the nearest, open passport control, primary inspection station:

- (a) Commercial merchandise or commercial samples, or items that exceed the applicable personal exemption amount;
 - (b) More than \$10,000 in currency or other monetary instruments (checks, money orders, etc.), or foreign equivalent in any form;
- or

- (c) Restricted/prohibited goods, such as agricultural products, firearms, mace, pepper spray, endangered animals, birds, controlled substances, fireworks, Cuban goods, and plants.

Global Entry pilot participants may also be subject to further examination and inspection as determined by CBP Officers at any time during the arrival process.

For a more detailed description of the Global Entry pilot, please refer to the April 11, 2008 **Federal Register** notice, 73 FR 19861.

Notice of Proposed Rulemaking to Establish the Global Entry Pilot as a Permanent Program

In a Notice of Proposed Rulemaking (NPRM), published in the **Federal Register** on November 19, 2009 (74 FR 59932), CBP proposed establishing the Global Entry pilot as a permanent voluntary international trusted traveler program which would operate in a manner similar to the Global Entry pilot. The comment period has closed and CBP is in the process of analyzing the comments. As provided in the NPRM, current participants in the Global Entry pilot would be automatically enrolled in Global Entry once the permanent Global Entry program is finalized. Although it is projected that the Global Entry program will eventually operate at all major international airports, at the start of the program, it is anticipated that its operation would initially be limited to the airports participating in the pilot.

EXPANDED ELIGIBILITY FOR THE GLOBAL ENTRY PILOT

Eligibility criteria for participation in the Global Entry pilot are also set forth in detail in the April 11, 2008 **Federal Register** notice. To date, only U.S. citizens, U.S. nationals, U.S. LPRs, and certain citizens of the Netherlands are eligible to participate in the pilot. However, as explained in the November 19, 2009 NPRM, CBP is working to expand the eligibility of the Global Entry pilot to certain nonimmigrant aliens from countries that have entered into arrangements with CBP concerning international trusted traveler programs. The notice stated that such expansions of the pilot would be announced by publication in the **Federal Register** and would include the country and any conditions that may apply based on the terms of the arrangement. The notice also stated that CBP anticipates that if the United States enters into such a Global Entry arrangement during the period of the pilot and announces the arrangement in the **Federal Register**, the participating citizens of that country would be automatically enrolled in the permanent Global Entry program once it is established.

Expansion of Global Entry Pilot to Include Nationals of Mexico

On November 30, 2010, the U.S. Department of Homeland Security signed a Joint Declaration with the Secretariat of Governance of the United Mexican States regarding cooperation on the development of an international trusted traveler pilot consisting of two phases.

Phase 1 is the CBP Global Entry phase expected to offer expedited travel into the United States for Mexican nationals who meet CBP Global Entry program requirements following screening of applicants by both countries. Phase 2 is the Mexico Trusted Traveler Program phase expected to include development of a Mexican trusted traveler program that offers expedited travel to Mexico for U.S. citizens and Mexican nationals and other eligible applicants, who meet mutually determined criteria.

Consistent with Phase 1 of this Joint Declaration, CBP is expanding eligibility for the Global Entry pilot. Specifically, nationals of Mexico will now be able to apply for participation in the Global Entry pilot. In order to participate, Mexican nationals will be required to complete the on-line application located on the GOES website, pay the non-refundable \$100 per person applicant processing fee, and satisfy all the requirements of the Global Entry pilot.

Based on the Joint Declaration, Mexican nationals will be permitted to participate in the Global Entry pilot only upon successful completion of a thorough risk assessment by both CBP and the Mexican Government. As is the case with all Global Entry pilot applicants, an individual who is inadmissible to the United States under U.S. immigration law is ineligible to participate in the Global Entry pilot. Applications from such individuals will automatically be rejected. Applications for the Global Entry pilot may also be rejected if the applicant has ever been convicted of a criminal offense, or if the individual has ever been found in violation of customs or immigration laws, or of any criminal law. Additionally, an applicant will not be accepted for participation in the Global Entry pilot if CBP determines that the applicant presents a potential risk of terrorism, or criminality (including smuggling), or if CBP cannot sufficiently determine that the applicant meets all the program eligibility criteria. CBP will be accepting applications from eligible nationals of Mexico beginning December 29, 2010. Additional information on eligibility will be announced at <http://www.globalentry.gov>.

All other aspects of the Global Entry pilot as described in the previous notices remain in effect.

U.S. Citizens Participation in Mexico's Trusted Traveler Program

Consistent with Phase 2 of the Joint Declaration with the Mexican government, U.S. citizens who participate in the Global Entry pilot will have the option to apply for participation in Mexico's trusted traveler program, once such a program is established. Once that program is established, it will be announced on CBP's website.

Dated: December 23, 2010

THOMAS S. WINKOWSKI
Assistant Commissioner
Office of Field Operations

[Published in the Federal Register, December 29, 2010 (75 FR 82200)]



AUSTRALIA BEEF IMPORTS APPROVED FOR THE ELECTRONIC CERTIFICATION SYSTEM (eCERT)

AGENCY: Customs and Border Protection, Department of Homeland Security.

ACTION: General Notice

SUMMARY: This document provides notice that effective January 3, 2011, the export certification requirement for imports of beef from Australia subject to quantitative restraints will be accomplished through the Electronic Certification System (eCERT). Beginning on that date, all such imports must be accompanied by an eCERT transmission in lieu of the paper export certificate. This change is being made at the request of Australia's Department of Agriculture Forestry and Fisheries and with the approval of the United States Government.

DATES: The use of the eCERT process for all Australian beef importations subject to within quantity restrictions will be effective for beef entered, or withdrawn from warehouse, for consumption on or after January 3, 2011.

FOR FURTHER INFORMATION CONTACT: Richard Wallio, Quota Branch, Trade Policy and Programs, (202) 863-6508.

SUPPLEMENTARY INFORMATION:

BACKGROUND

There are existing quantitative restraints on beef from Australia pursuant to U.S. Note 3, subchapter XIII, Chapter 99, Harmonized Tariff Schedule of the United States (HTSUS), and subheading

9913.02.05, HTSUS. The U.S. Note states that the within-quota amounts will receive duty-free treatment if the importer makes a declaration to Customs and Border Protection (CBP) that a valid export certificate issued by the Government of Australia is in effect for the goods. The existing tariff rate quotas and export certificate requirement for beef from Australia set forth in U.S. Note 3, subchapter XIII, Chapter 99, HTSUS, are derived from paragraph 3 of Annex I of the General Notes to the Tariff Schedule of the United States under Annex 2-B of the United States-Australia Free Trade Agreement. Section 132.15 of the CBP regulations (19 CFR 132.15) sets forth provisions relating to the requirement that an export certificate must accompany imports of beef subject to quota.

The Electronic Certification System (eCERT) is a system developed by CBP that uses electronic data transmissions of information normally associated with a required export document such as a license or certificate to facilitate the administration of quotas and ensure that the proper restraint levels are charged without being exceeded. Australia currently uses the eCERT process for all dairy quota importations into the United States.

Foreign countries participating in eCERT transmit information via a global network service provider. This allows connectivity to the CBP Automated Commercial System (ACS). When making entry, specific data elements transmitted to CBP by the importer/broker must match eCERT data from the foreign country before any applicable quota is reported. The ability to have government-to-government transmission decreases the potential for circumvention of quotas resulting from counterfeit documents.

Although the release of the shipment is not precluded by the absence of certificate information, no claims for a preferential duty rate will be considered unless the information transmitted by the filer matches the information transmitted by the foreign government. If the certification is not available at time of entry, the filer has the option to use the non-preferential rate of duty or warehouse, export, or destroy the merchandise. The filer may file a protest if the certification transmission is received after liquidation of an entry, using the appropriate guidelines.

This document provides notification that Australia will be using the eCERT process for beef entries subject to quantitative quota restrictions beginning January 3, 2011. Such imports that are entered, or withdrawn from warehouse, for consumption on or after that date must be accompanied by an eCERT transmission in lieu of the paper export certificate.

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DANIEL BALDWIN
Assistant Commissioner
Office of International Trade

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