

CHAPTER 501

DEPARTMENT OF DEFENSE (DOD) CUSTOMS AND BORDER CLEARANCE PROGRAM (CBCP)

A. GENERAL

This regulation establishes DOD policy, prescribes procedures, defines responsibilities and identifies customs, agricultural and other border clearance requirements for entry and exit of selected countries of the world in support of United States (US) Forces. These requirements are intended to eliminate the introduction of agricultural pests, diseases, illegal narcotics, drugs and other contraband into the US or host nations (HN) through DOD channels. In addition, in foreign countries these procedures will allow US Forces cargo to enter duty free.

B. SCOPE

This regulation is applicable to the Office of the Secretary of Defense (OSD), the Office of the Joint Chiefs of Staff, the military departments, the unified commands, and the Defense agencies and acquisition activities, hereafter referred to as the DOD components. This regulation also applies to non-DOD agencies, including commercial vendors and suppliers under contract to the DOD, and organizations who use DOD mail and transportation assets (organic or commercial) for the import/export of goods in support of programs of national interest. This regulation is intended to serve as the single authoritative source for Customs and Border Clearance processes and procedures for the countries listed.

C. POLICY

1. It is DOD policy to assist and cooperate with US and foreign HN border clearance agencies in halting the flow of contraband both into the US and foreign countries. The DOD will enforce this policy when entry is through military channels and will cooperate with other Federal Agencies when enforcing US laws and regulations and complying with foreign requirements concerning customs, agriculture, immigration, and other border clearance requirements without unnecessarily delaying the movement of DOD personnel and material. This policy also applies to the export of goods to other countries. The DOD policy is to eliminate the flow of contraband and unacceptable products to other nations. The DOD acknowledges the primacy of the US Customs Service (USCS), US Department of Agriculture (USDA), and Immigration and Naturalization Service (INS) over cargo and personnel moving into the Customs Territory of the US (CTUS) and that their agents or inspectors may delay, impound, or otherwise prohibit the entry or export of military cargo into or from the CTUS, without obstruction by the DOD, the Services, or the Defense Logistics Agency (DLA).

2. Military Customs Inspection (MCI) Program. Even though the MCI Program is no longer recognized by the USCS and has been cancelled, and the use of DD Form 1253, Military Customs Label is no longer required, commands may still use both as a tool to ensure cargo/conveyances meet USDA requirements. USCS and USDA will support pre-clearance for major unit rotations and redeployments in conjunction with exercises and contingency

operations. Procedures for requesting pre-clearance are detailed in Chapter 506. Theater Commanders in Chief (CINCs) will continue to support the enforcement of DOD policy to halt the flow of contraband and agricultural pests into the US.

3. USDA Inspection Program. USDA continues to support and certify theater pre-clearance inspection programs, especially in locations where the threat from agricultural pests are pervasive. The DOD has adopted Executive Order 13112, Invasive Species. Theater CINCs are required to establish USDA approved and certified agricultural inspection programs for their theater and provide operational guidance to their components that ensures all DOD shipments to the CTUS are cleared before shipment and meet USDA standards. The USDA will also support agricultural pre-clearance programs in conjunction with redeployments for major exercises and contingencies. Information on the USDA Agricultural Inspection Program is detailed in Chapter 505.

4. Exercises and Contingencies. The USCS will support pre-clearance for major unit redeployments in conjunction with Field Training Exercises (FTX) or contingencies. Theater CINCs may request such support through the United States Transportation Command (USTRANSCOM) TCJ4-LT, Transportation Management Division, Scott AFB, IL 62225-5357. See Chapter 506 for details.

5. Military Customs Inspection-Excepted (MCI-E) Program. The USCS continues to support the training and certification of military personnel at selected Continental US (CONUS) military airfields. See Chapter 507 for details.

D. DUTIES AND TAXES

US Government military shipments (including personal property of US Government sponsored personnel) should not be subject to duties and taxes. Information on customs and shipping documentation should include shipper, consignee (with both the shipper and consignee being spelled out in the clear, i.e., United States Air Force, not USAF) and a statement that the shipment is for US Government or military use. The use of acronyms and abbreviations in shipping and customs documentation often leads to the assessment of duties and taxes. Further, DOD Acquisition activities and vendors should ensure the Direct Vendor Delivery (DVD) contracts which provide for movement outside the Defense Transportation System (DTS) include provisions for the services of commercial customs brokers to satisfy both US export documentation and foreign customs clearance requirements.

E. INDIVIDUAL MISSIONS, ROLES, AND RESPONSIBILITIES

1. Deputy Under Secretary Of Defense For Acquisition, Technology, and Logistics (USD (AT&L)). USD (AT&L) is the proponent for customs and border clearance matters in the OSD and exercises staff supervision over all Customs and Border Clearance matters within the DOD. USD (AT&L) is responsible for prior review and approval of special or unique projects and programs not specifically provided for in this regulation.

2. USTRANSCOM. USD (AT&L) Memorandum, Assignment of Defense Transportation Operational Regulations and Procedures Authority to Commander in Chief, U.S. Transportation Command (CINCTRANS), 18 November 1998, transferred the responsibility for establishing

and approving operational regulations and procedures necessary for the effective and efficient operation of the DTS to the Commander in Chief, United States Transportation Command (USCINCTRANS). USTRANSCOM is responsible for:

- a. Developing policies and procedural guidance, in collaboration with the DOD Components, US Government Border Clearance Activities (USCS, USDA, and others), and Foreign Governments through the supported theatre commands, to ensure efficiency and uniformity in the implementation of the DOD Military CBCP.
- b. Maintaining liaison and coordination with the DOD Components, the USCS, USDA, Bureau of Alcohol, Tobacco, and Firearms (BATF), Drug Enforcement Agency (DEA), Fish and Wildlife Service, Department of Transportation (DOT), Environmental Protection Agency (EPA), and other appropriate government agencies and activities involved in border clearance.
- c. Establishing and convening, in conjunction with DOD Components and other government agencies, as appropriate, joint committees or working groups necessary to ensure an effective DOD CBCP.
- d. Reviewing the program periodically, apprising USD (AT&L) of trends in the management and operation of the CBCP, and recommending policy changes necessary to keep the program viable.
- e. Developing metrics and collecting data to identify problem areas and evaluate the DOD CBCP.
- f. Maintaining this regulation in a current status, ensuring conformance with the regulations published and/or enforced by the US border clearance agencies, and providing additional guidance, as appropriate, to the DOD Components to assure uniformity and efficiency in operations.
- g. Developing procedures for implementing and migrating customs processes to electronic means of information exchange to support customs and border clearance processes.

3. Air Mobility Command (AMC), Military Traffic Management Command (MTMC), and Military Sealift Command (MSC). AMC, MTMC, and MSC are responsible for:

- a. Providing operational guidance to subordinate units necessary to the implementation of this regulation.
- b. Assisting USTRANSCOM in the development of metrics and collection of data to evaluate the DOD CBCP.

4. Military Services and Defense Agencies. Services and Defense Agencies will assist and cooperate with USTRANSCOM in performance of the responsibilities outlined in paragraph E 2. of this chapter, and are responsible for:

- a. Establishing points of contact (POC) for coordination and implementation of the program within their respective components.

- b. Ensuring the shipment sponsor's shipping activities (including vendors) prepare necessary customs (foreign country or USCS) documents for use by carriers and government agencies to gain entry or exit as required for DOD shipments.
- c. Taking timely and appropriate action to correct program deficiencies.
- d. Providing adequate and appropriate facilities, and other assets, as required through Inter-Service/Defense Agency Support Agreements, for the performance of customs and border clearance functions.
- e. Furnishing such information as may be required by USTRANSCOM to resolve customs and border clearance issues to include information required for pre-clearance (see Chapter 506).
- f. Providing representation on committees or working groups as may be requested by USTRANSCOM.
- g. Assisting USTRANSCOM in the development and collection of metrics data and the evaluation of the DOD CBCP.
- h. Providing applicable customs and border clearance documents as necessary for Entry Officials to clear personnel and cargo entering or exiting the US or Foreign Countries.
- i. US Navy commands will provide operational guidance to implement this regulation to Navy activities that operate/manage air and sea terminals.

5. Unified Commanders. The commanders of Unified Commands are responsible, in accordance with (IAW) the provisions of Joint Publication (JP) O-2, Unified Action Armed Forces (UNAAF):

- a. Implementing and enforcing provisions of this regulation.
- b. Developing and maintaining Country Annexes to this regulation for nations within their area of operations, as required.
- c. Establishing and coordinating unique Customs/Border Clearance requirements for countries in the CINC's area of responsibility (AOR) during deployments/redeployments and in support of exercise/contingency operations.
- d. Designating a Customs/Border Clearance Coordinator.
- e. Forwarding any written supplementary guidance to USTRANSCOM, TCJ4-LT, Scott AFB, IL 62225-5357.
- f. Ensuring their components designate in writing, DOD or other authorized personnel as Customs and Border Clearance Agents (CBCAs) and that such personnel are properly trained.

g. Establishing quality control procedures to ensure the effectiveness of the DOD CBCP.

h. Disseminating information within their command to all DOD members/employees and family members concerning the prohibitions, restrictions, requirements, and penalties pertaining to the importation of illegal narcotics, drugs, prohibited firearms, and other contraband.

i. Providing details on prohibitions, restrictions, requirements, and penalties that pertain to entry/exit from their theater of operations to USTRANSCOM TCJ4 as it impacts the DOD CBCP.

j. Assisting USTRANSCOM in the development and collection of metrics data and evaluation of the DOD CBCP.

6. Customs/Border Clearance Coordinator. The Customs/Border Clearance Coordinator is responsible for:

a. Coordinating the DOD CBCP for the Theater CINC.

b. Serving as the primary POC for the Customs/Border Clearance requirements on matters of importance to the entry/exit of DOD sponsored movements.

7. All DOD Shipping Activities are responsible for:

a. Counseling DOD members/employees and their family members on customs/border clearance requirements and procedures, duty-free exemptions, restricted and prohibited items, and member's/employee's responsibilities under the rules and laws of the foreign government where assigned as well as all provisions of this regulation.

b. Ensuring that the necessary shipping, customs and border clearance documentation as prescribed herein, is available for each shipment or passenger and that such documentation is properly prepared and free of abbreviations or acronyms to ensure timely entry/exit.

c. Updating pertinent portions of this regulation and maintaining performance quality that will assure Customs/Border Clearance Agencies (foreign and domestic) certification.

8. All DOD Acquisition/Contracting Activities are responsible for:

a. Ensuring all contract vendors who are required to ship material to or from Outside CONUS (OCONUS) locations receive complete, accurate, shipping instructions/directions in clear English, free of abbreviations and acronyms. Commercial bills of lading (CBLs) must include a clear statement of who owns the cargo at the time of shipment. Shipper/Consignor/Consignee addresses should begin with the Service or Defense Agency that contracted for the shipment. See this Regulation, Part II, Cargo Movement, Chapter 206.

b. Ensuring that all DVD type procurement contracts, which result in the transfer of title to the cargo upon delivery, include provisions for the payment of duties and taxes, as well as arrangements for the services of a commercial customs broker.

9. Deployed Commanders are responsible for:

a. Ensuring unit personnel are briefed on USCS and USDA entry requirements prior to their redeployment to the CONUS and that all unit equipment/sustainment stocks returning to the CONUS are cleaned and inspected in accordance with USDA recommend procedures. See Chapter 505 for details.

b. Ensuring that the necessary shipping, customs, and border clearance documentation as prescribed herein, is available for each shipment or passenger and that such documentation is properly prepared and free of abbreviations or acronyms to ensure timely entry/exit.

c. Implementing pertinent portions of this regulation and maintaining performance quality that will assure Customs/Border Clearance Agencies (foreign and domestic) certification.

10. USCS, USDA, and other US Border Clearance Agencies. By agreement with USTRANSCOM, these agencies are responsible for:

a. Reviewing this regulation to ensure that it adequately describes their requirements and procedures for the customs and border clearance processes and requesting or recommending changes as necessary.

b. Establishing and maintaining necessary liaison with USTRANSCOM in its capacity as DOD's Executive Agent for the DOD CBCP assuring continuity of efforts.

11. CBCAs. See Chapter 506, Paragraph D.

12. MCI-E. See Chapter 507.

F. ADMINISTRATION

1. Preparation and approvals: This regulation has been prepared with the assistance and concurrence of the USCS, the USDA, the BATF, and other Federal Agencies.

2. DOD CBCP:

a. This program includes the following elements:

(1) Exit/entry clearance procedures and documentation requirements.

(2) Establishment of treatment centers (wash-down and disinfectant application), inspection facilities for equipment.

(3) Criteria for sterile areas where necessary and feasible.

(4) Certification/training of DOD personnel and inspection activities by the Theater Executive Agent for Customs and Border Clearance.

(5) Information dissemination to inform all DOD personnel of entry/exit requirements for the US and selected foreign nations.

b. Sources of Information. Recommended sources of information for the DOD Customs and Border Crossing Program are this regulation, and:

(1) The DOD Customs Program Web Page at <https://business.transcom.mil>.

(2) The DOD Foreign Clearance Guide (Department of Defense 4500.54-G) at (<http://www.fcg.pentagon.mil>).

(3) The Personal Property Consignment Instruction Guide (PPCIG) at (<http://www.mtmc.army.mil>) then select Personal Property, Domestic, and Consignment Instructions Guide.

3. Recommendations for revisions to this regulation are encouraged. All proposed revisions, corrections, supplements or addenda must be addressed to: United States Transportation Command, Customs Branch (TCJ4-LTC), Scott AFB, IL, 62225-5357. Electronic mail (E-mail) submissions are also encouraged. Send recommendations to: USTCJ4-LT@hq.transcom.mil.

4. DOD activities requiring copies of this regulation should submit requests through their Service or Agency office responsible for issuing publications. Electronic copies of this regulation are available by accessing the USTRANSCOM Web Page at <http://public.transcom.mil/J4/j4lt/dtr.html>. (This is the preferred method of obtaining and maintaining currency of customs policies and procedures). Activities outside the DOD may obtain hard copies of this regulation from USTCJ4-LTC at the address listed in paragraph 3 above.

G. IMPLEMENTATION

1. The provisions of this regulation will be implemented by all DOD components as specified in subsequent chapters. For individual missions, roles, and responsibilities, see paragraph E. above.

2. This regulation will not be supplemented except in the interest of improved management or instances where the procedures herein need enhancement to meet a requirement unique or special to a DOD component's AOR. Supplementing instructions published by overseas commands or other Federal Agencies will be IAW international agreement valid in the respective country. Copies of such supplementing guidance will be provided to: USTRANSCOM, Transportation Management Division (TCJ4/LT), Scott AFB, IL 62225-5357.

3. In case of conflict between this regulation and the Code of Federal Regulations (CFR), the governing regulation will be the CFR.

4. Printed changes will be published as required to add, delete, or modify DOD Customs policies and procedures at least once a year and will be made available electronically through the USTRANSCOM Worldwide Web pages. Similarly, interim and emergency changes will be readily available for application through electronic access to the web site with hyperlink to E-mail.

5. Forms required by this regulation, and pamphlets pertinent to the technical and legal aspects of the requirements described within, will be obtained through normal publications supply channels IAW applicable Service publications.

CHAPTER 502

US ENTRY REQUIREMENTS

A. GENERAL

1. Personnel and property enter the US daily to support the DOD mission. This chapter addresses US entry requirements for those personnel and/or property whether shipped by military or commercial carrier, and the conveyance, if owned or controlled by the DOD.

2. All conveyances (ships, aircraft and other mode/methods of transport) entering the CTUS from a foreign port or place will be subject to a complete customs inspection upon arrival at the first US port of entry. Exception provisions apply where an agreement exists between the USCS and the US Navy (CBCA Afloat) for shipboard inspections and authorized pre-clearance operations. Personnel, accompanied baggage, personal property, and cargo and the associated documentation are also subject to inspection. This chapter outlines the general US entry requirements and refers to more specific requirements either in this regulation, or from other sources.

3. The requirements specified in this chapter apply whether pre-clearance takes place outside the CTUS, or whether clearance is accomplished at the first US port of entry.

B. RESPONSIBILITIES

1. Individual (or member/employee). The individual member/employee and his/her family members are responsible for complying with the rules and laws of the host country to which assigned and laws and regulations associated with imports to the US. The provisions of this regulation will aid in establishing the customs/border clearance requirements and procedures for gaining entry and exit from the various countries identified in Chapters 510 through 515 of this regulation.

2. Transportation Officer (TO).

a. When DOD sponsored cargo is transported by commercial air, ocean, rail, highway, or inland waterway to a destination within the CTUS, or when such cargo is delivered to a commercial air or water terminal not operated by the military, the TO responsible for the area within which the destination or terminal is situated will assist the commercial carrier, IAW the commercial contract, in accomplishing all necessary customs/agriculture documentation required for entry of the cargo.

b. When necessary, TOs in the CTUS should make arrangements at the nearest USCS office to have a Customs Form 3461, Application and Special Permit for Immediate Delivery on file for a fixed or indefinite period of time.

3. Installation Commanders. All DOD components, including reserve components, that operate, sponsor, or provide ocean or airfield arrival services to a ship or aircraft entering the CTUS will provide information on the departure point, the expected arrival time at the port of

entry, and the status of the ship or aircraft (with information on number of passengers and crew) to the USCS and other border clearance agencies, as required. Timely notification is mandatory to coordinate arrangements for border clearances and for providing such assistance to the USCS, USDA, INS, and other border clearance agencies as needed. DOD components that operate, sponsor, or provide arrival services will not allow entry into the CTUS without notification of the appropriate border clearance authorities.

4. Ship/Aircraft Commander. The ship's captain or aircraft commander is responsible for providing border clearance documentation and manifests of any onboard cargo to boarding USCS, USDA, and INS officials upon arrival at the ocean or air terminal at the first point of entry into the CTUS. The ship's captain or aircraft commander is also required to provide supplemental documentation such as crew and passenger lists. The ship's captain or aircraft commander will not:

- a. Interfere with the performance of the duties of the USCS, USDA, INS, or CBCA/MCI-E personnel (including Navy Afloat CBCAs).
- b. Permit any cargo, baggage, or equipment to be removed from any vessel or aircraft without permission from the designated border clearance official.
- c. Allow any passenger or crewmember to depart from a vessel or aircraft prior to completion of arrangements for final border clearance processing. Removal of cargo or departure of personnel may be allowed should it become necessary for the safety or preservation of life or property.

5. DOD Components. DOD Components which operate ships and aircraft entering the CTUS are responsible for establishing procedures to ensure compliance with provisions of this regulation, written agreements between DOD, USCS, USDA, INS and other appropriate border clearance agencies and the federal laws and regulations of those agencies. Implementing regulations of DOD components will include specific entry procedures for:

- a. Ships, aircraft, and terminal operations.
- b. Passengers and crew members to include medical crews, attendants, and patients.
- c. Maintaining a sterile environment for personnel who have departed the ship or aircraft but have not yet been cleared by border clearance agency officials.
- d. Cargo, including personal property and accompanied baggage, placed onboard the ship or aircraft as either checked baggage or cabin (carry-on) baggage.
- e. Maintaining the security of the ship, aircraft, or terminal and its contents pending arrival of border clearance officials, should those officials not be immediately on-hand upon arrival.
- f. Coordinating with the appropriate Port Director of the USCS and the local offices of the USDA Animal and Plant Health Inspection Service (APHIS) and the INS.

g. Ensuring that a sufficient and appropriate number of personnel receive formalized instruction in border clearance procedures to ensure successful accomplishment of the Customs/Border Clearance Program.

6. Contracting Officer. The contracting officer will ensure that all contracts will comply with import/export requirements of the Defense Federal Acquisition Regulation Supplement (DFARS). This provision includes the responsibility for preparation of shippers export/import declaration documents and obtaining necessary licensing permits.

7. Contractor (Vendor). The contractor is responsible for complying with the terms and conditions of the written agreement with the US Government including the preparation of all customs/border clearance documents necessary to gain entry/exit for the goods being manufactured/repared under DOD sponsorship.

C. US CUSTOMS CLEARANCE REQUIREMENTS FOR CONVEYANCES (DOD OWNED OR CONTROLLED)

1. US Navy (USS) Ships. The Navy maintains the only remaining Navy Afloat CBCA program accredited by the USCS Port Directors at Norfolk and San Diego.

a. Clearance Requirement. The Captain or commanding officer of each military ship entering into the CTUS is responsible to ensure that a complete US border clearance inspection has been accomplished prior to arrival at the US port of entry.

(1) At a minimum, the inspection will encompass all ship spaces (e.g., lockers, boats, cargo holds, living areas, and embarked aircraft) and all cargo and equipment onboard, to include organic equipment of units embarked.

(2) All on-board personnel and accompanying baggage will be inspected, to include passengers, crew members, super cargoes, security personnel, observers, and civilian technicians. As part of the border clearance inspection, and in preparation for clearance at the port of entry, all personnel will complete a personal declaration, DD Form 1854, US Customs Accompanied Baggage Declaration.

(3) The ship's captain or his/her representative will notify USCS officials at the US port of entry and the appropriate Service investigative service of any contraband found during underway inspections, prior to arrival at the first port of entry. The Service investigative service will meet the ship upon arrival and transfer custody of the contraband into the Service evidence system. Entrance of the contraband into the Service evidence system greatly diminishes the possibility of an error in the chain of custody.

b. Clearance Procedures. Inspection will normally be performed by trained and designated CBCAs. Each military-operated ship will have at least one trained and designated CBCA within its crew. Should, for whatever reason, a shipboard CBCA capability not exist, the captain or commander of the ship will appoint an officer to conduct the inspection.

(1) At the first US port of entry, the captain or commanding officer of each ship will present USCS officials with a manifest of all cargo loaded aboard the ship for discharge in the

CTUS. A copy of this manifest will also be presented to the operator of the military ocean terminal.

(2) When the crew and vessel, but not the cargo, are cleared at the first US port of entry, the ship's captain or commanding officer will notify the USCS at subsequent ports of entry and provide them a manifest of the cargo to be discharged at that port.

(3) The inspection should be conducted at the last port of call before entry into the CTUS. This permits support from land-based Customs activities and maximizes inspection effectiveness. If mission requirements, ship size or characteristics, inspection resources, or port considerations preclude inspection prior to departure, the inspection will be conducted while the ship is en route to the US port of entry.

(4) For each ship operating outside the CTUS, the ship's captain or commanding officer will prepare a customs inspection plan. The plan will be developed to outline those procedures to be followed to ensure effective conduct of the CBCA inspection. The plan will include procedures both for inspecting the ship, its cargo, equipment, and personnel, and for completion and collection of personal customs declarations.

(5) For each ship operating outside the CTUS, the ship's captain or commanding officer will prepare a counter-narcotics plan to prevent the use of the ship, its cargo, equipment, or personnel onboard, for the illegal introduction of drugs, narcotics, or other contraband into the CTUS.

(6) Clearance at the Port of Entry: Ships normally arrive at established US ports of entry at which border clearance officials are readily available. The pre-departure examination/inspection under the CBCA program will normally expedite the procedures on arrival in the CTUS. However, integrity inspections or examinations at the first port of entry and/or subsequent ports of call are within the prerogative of the clearance officials. In most cases, this will consist of a cursory check for the proper paperwork.

(a) Dutiable and restricted items: All items acquired outside the US must be declared and may be subject to duty and/or other taxes. Certain items may be subject to restrictions or prohibited from import. All baggage is subject to examination. All personnel will make items in their possession available for inspection if so requested by customs officials. Animals, foodstuffs, plants or plant parts will be made available for inspection by APHIS before being brought ashore.

(b) The captain or commanding officer of the ship will complete, and provide to the clearance officials, written certification that a border clearance inspection has been completed.

(c) In addition to timely notification of border clearance agencies, military elements operating in US ocean terminals will provide, if available, transportation for border clearance officials to and from inbound ships to permit clearance process as early as possible before berthing.

(d) Shipboard Mail: Commanding officers of ships will institute onboard mail control procedures in accordance with the provisions of DOD 4525.6 M, DOD Postal Manual.

2. Aircraft Entrance Requirements.

- a. Aircraft are cleared upon arrival at the first port of entry into the CTUS.
- b. There are no pre-clearance requirements for aircraft, unless arranged for in advance as part of an exercise or unit redeployment.
- c. The aircraft commander of each DOD owned or controlled aircraft entering into the CTUS is responsible to ensure that a complete US border clearance inspection has been accomplished upon arrival at the US port of entry.

d. Advance Notification: Departure airfield installation commanders will ensure that aircraft arrival/manifest data is passed to the down-line CTUS terminal or station prior to arrival of the aircraft, to arrange for Federal Inspection Service (FIS) processing. Arrival data will include:

- (1) Aircraft identification.
- (2) Aircraft cabin load, including number of passengers, number of crew, and a general description of types and amount of cargo.
- (3) Notice of unusual cargo or passengers (including first time entrants into the US).
- (4) Any other information to expedite processing.

e. The flight crew will complete a Customs Form 7507, General Declaration (Outward/Inward) Agriculture, Customs, Immigration, and Public Health.

f. For specifics on Aircraft Entrance Requirements, Personnel Entrance Requirements, and a listing of Regular Airports of Entry, Special Airports of Entry, and US International Airports/Landing Rights Airports, see the DOD Foreign Clearance Guide, North and South America (<http://www.fcg.pentagon.mil>).

D. TERMINAL OPERATIONS

1. Ocean Terminal.

a. When DOD -sponsored cargo is transported by ocean or inland waterway carriers to a destination within the CTUS, or when such cargo is delivered to a commercial water terminal not operated by the military, the TO responsible for the area within which the destination or terminal is situated will accomplish all necessary customs/agriculture documentation required for entry of the cargo.

b. If cargo arrives without the proper USCS or USDA documentation for entry into the CTUS, it must be prepared by the local installation or terminal TO or vendor as prescribed.

2. Air Terminal.

a. When DOD-sponsored cargo is transported by air to a destination within the CTUS, or when such cargo is delivered to a commercial air terminal not operated by the military, the TO responsible for the area within which the destination or terminal is situated will accomplish all necessary customs/agriculture documentation required for entry of the cargo.

b. Regular Airports of Entry.

(1) Commanders of U. S. Aerial Ports of Debarkation (APODs) will, when requested, arrange for immediate return of passengers to the point of origin when such passengers have been denied admission into the CTUS by the INS.

(2) For a listing of Regular Airports of Entry see the DOD Foreign Clearance Guide, North and South America, (<http://www.fcg.pentagon.mil>).

c. Special Airports of Entry.

(1) FIS officials are normally assigned to perform border clearance function at regular Airports of Entry. These functions, with prior coordination and authorization from the USCS, INS, and USDA, may be performed at Special Airports of Entry by military personnel specifically trained and designated as MCI-E. With prior coordination, FIS officials may be available (a fee may be required). Commanders of CONUS-based installations having an airfield, airbase, or air station, which is frequently used as a first CTUS port of entry, should become familiar with the requirements of this program by contacting the USCS.

(2) For a listing of Special Airports of Entry see the DOD Foreign Clearance Guide, North and South America (<http://www.fcg.pentagon.mil>).

d. DOD components operating aircraft into the CTUS are responsible for the establishment and management of the procedures at all Regular and Special Airports of Entry to ensure compliance with the provisions of this regulation.

e. Commanders of Regular and Special Airports of Entry will:

(1) Establish local procedures to ensure that all entry and departure requirements for aircraft, crewmembers, passengers, and cargo specified in this regulation and the Foreign Clearance Guide are met. Quarterly meetings are recommended between USCS Port Directors and the Commander of the Airports of Entry.

(2) Designate an appropriate functional element or official to furnish timely advance notice of aircraft arrivals and departures to the FIS.

(3) Maintain an active liaison with local FIS officials.

(4) Budget overtime charges for US border clearance agencies as required.

(5) Facilitate the efficient and expeditious inspection and clearance of aircraft, crew members, passengers, and cargo by US border clearance officials.

(6) Provide adequate office and inspection facilities for border clearance activities.

(7) In coordination with US border clearance agencies, provide briefings on US border clearance requirements for crew members and other personnel traveling on DOD owned/controlled aircraft.

E. ENTRY PROCEDURES FOR DOD-SPONSORED PASSENGERS, CREWS, AND ACCOMPANIED BAGGAGE

1. Clearance Requirements.

a. USCS/USDA/MCI-Es will inspect aeromedical evacuation crews, attendants, and patients in such a manner as to expedite patient movement. However, expeditious inspection does not preclude steps necessary to detect prohibited articles prior to departure.

b. Passengers will be required to complete a DD Form 1854, or I-94, Arrival/Departure Record for aliens, provided by the carrier on the aircraft, and will go through border clearance procedures at the first US port of entry. Entry of first time immigrants to the CTUS is permitted only at a recognized port of entry, where they will be processed by immigration officers. Reentry of DOD sponsored personnel into the CTUS will be coordinated with the INS. The INS will be notified of all first time immigrant entries into the CTUS as soon as the entry or potential entry are detected. Whenever possible, advanced notification of first time entry should be given not less than 24 hours prior to the time of arrival in the CTUS. In all cases, notification will occur no more than four working hours from the time of arrival in the CTUS.

c. The FIS perform inspections and examinations to prevent entry into the CTUS of prohibited and restricted articles, with particular attention to drugs and narcotics, firearms, plant and animal products, and undeclared articles.

d. Personal Examination. MCI-Es are not authorized to conduct personal examinations. In all cases where physical personal examination is deemed necessary, MCI-Es will contact the base law enforcement personnel and USCS.

e. Accompanied Baggage:

(1) MCI-Es will normally inspect or examine all accompanied baggage in the passenger's or crew member's presence.

(2) Each passenger or crew member will make their accompanied baggage available for inspection or examination with the exception of patients (whose baggage should be made available by medical crew or attendant as appropriate).

(3) If, while inspecting or examining baggage, an MCI-E suspects a customs violation has occurred, the MCI-E will call for the assistance of appropriate base law enforcement officials and USCS. These officials will accept responsibility for the individual and

any contraband and, prior to further questioning, will advise the individual regarding their constitutional rights. If the violation involves narcotics, the violation will be reported to the USCS.

2. First Time Immigrants. Except in cases of emergency evacuations, first-time entrants will be routed through normal FIS-staffed airports of entry for clearance and FIS processing.

3. For specific passenger requirements, see the DOD Foreign Clearance Guide, North and South America (<http://www.fcg.pentagon.mil>).

F. GENERAL CARGO ENTRY PROCEDURES

1. When a shipment reaches the US, the importer of record (i.e., the owner, purchaser, or licensed customs broker designated by the owner, purchaser, or consignee) will file entry documents for the goods with the port director at the port of entry. Imported goods are not legally entered until after the shipment has arrived within the port of entry, delivery of the merchandise has been authorized by Customs, and estimated duties (if applicable) have been paid. It is the responsibility of the importer of record to arrange for examination and release of the goods.

2. Pursuant to 19 United States Code (U.S.C.) §1484, Entry of Merchandise, the importer of record must use reasonable care in making entry. In addition to contacting the USCS, importers should contact other agencies when questions arise regarding particular commodities. For example, questions about products regulated by the Food and Drug Administration (FDA) should be forwarded to the nearest FDA district office. The same is true for alcohol, tobacco, firearms, motor vehicles, and other products and merchandise regulated by the other federal agencies for which Customs enforces entry laws.

3. In most instances, entry is made by a person or firm certified by the carrier bringing the goods to the port of entry. This entity is considered the 'owner' of the goods for customs purposes. The document issued by the carrier is known as a "Carrier's Certificate". In certain circumstances, entry may be made by means of a duplicate bill of lading or a shipping receipt.

4. Entry documents. Within five working days of the date of a shipment's arrival at a US port of entry, entry documents must be filed at a location specified by the port director, unless an extension is granted. These documents consist of:

a. Customs Form 7523, Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release or CF 3461 or other form of merchandise release required by the port director.

b. Evidence of right to make entry.

c. Commercial invoice or a pro forma invoice when the commercial invoice cannot be produced.

d. Packing lists, if appropriate.

e. Documentation is required on formal entries valued at over \$2,000. Other documents may be required to determine merchandise admissibility.

f. If the goods are to be released from Customs custody on entry documents, an entry summary for consumption must be filed, and estimated duties deposited at the port of entry within 10 working days of the time the goods are entered.

5. Immediate delivery. An alternate procedure, which provides for immediate release of a shipment, may be used in some cases by making application for a special permit for immediate delivery on CF 3461 prior to the arrival of the merchandise. Carriers participating in the Automated Manifest System can receive conditional release authorizations after leaving the foreign country and up to five days before landing in the US. If the application is approved, the shipment is released expeditiously following arrival. An entry summary must then be filed in proper form, either on paper or electronically, and estimated duties deposited within 10 working days of release. Immediate delivery release using CF 3461 is limited to certain types of merchandise, including shipments consigned to or for the account of any agency or officer of the US government.

6. Examination of Goods and Documents. Examination of goods and documents is necessary to determine, among other things:

- a. The value of the goods for customs purposes and their dutiable status.
- b. Whether the goods must be marked with their country of origin or require special marking or labeling. If so, whether they are marked in the manner required.
- c. Whether the shipment contains prohibited articles.
- d. Whether the goods are correctly invoiced.
- e. Whether the goods are in excess of the invoiced quantities or a shortage exists.
- f. Whether the shipment contains illegal narcotics.
- g. Prior to the goods' release, the port director will designate representative quantities for examination by Customs officers under conditions that will safeguard the goods. Some kinds of goods must be examined to determine whether they meet special requirements of the law. For example, food and beverages unfit for human consumption would not meet the requirements of the FDA.

7. Rates of Duty. All goods imported into the US are subject to duty or duty-free entry (DFE) IAW their classification under the applicable items in the Harmonized Tariff Schedule of the United States, Annotated (HTSA). The US International Trade Commission (USITC) is responsible for publishing the HTSA; the USCS is responsible for administering the tariff and processing import entries. Duty-free status is available under various conditional exemptions. It is the importer's burden to show eligibility for a conditional exemption from duty. Exemptions are found under the subheadings in Chapter 98, Special Classification Provisions of the HTSA. These subheadings include, among other provisions, certain personal exemptions, exemptions for

articles for scientific or other institutional purposes, and exemptions for returned American goods.

8. For greater detail on USCS procedures and the addresses for Customs Management Centers, Port Directors, and USCS Offices in foreign countries, go to the US Customs web page at <http://www.customs.ustreas.gov>.

G. DOD-OWNED CARGO ENTRY PROCEDURES

Operators of military air (MILAIR) and ocean terminals within the CTUS will establish close coordination with the local Port Director of Customs, and local USDA and INS representatives. They will prepare and provide border clearance entry documentation as required. While local practices may vary to a degree, the following procedures are generally applicable:

1. When DOD-sponsored cargo or personnel arrive at a MILAIR or ocean terminal, USCS and USDA officials must be provided a legible copy of the passenger and/or cargo manifests for material on the vessel or aircraft. INS officials must be informed of the entry into the CTUS of all DOD-sponsored personnel.

a. When articles (other than military scrap or surplus) belonging to the DOD are imported for further use by DOD as returned products of the US under a free entry classification in the HTSA, a Certificate in Lieu of Other Entry Documentation Covering Articles of Returned U. S. Products for Use by The DOD, will be used for those shipments (See 19 CFR 10.103, American Goods Returned). All military scrap or surplus must meet USDA standards for freedom from soil and pests.

b. American Goods Returned. Shipments belonging to DOD that are entering the US through the Customs Port of Alaska that are imported for further use by the DOD require an American Goods Returned certificate (See 19 CFR 10.103 for format and content). Such articles may be admitted Duty Free upon the filing of a certificate on the letterhead of the agency or office in lieu of other entry documentation. The certificate may be executed by any military installation TO having knowledge of the facts or by any other officer or official specifically designated or authorized. Articles arriving on a commercial carrier will be supported by evidence of the right to make it.

c. For material procured from foreign sources which is imported for the sole purpose of transiting the CTUS to another point outside the CTUS, Customs Form 7512, Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit will be initiated at the port of arrival and will be provided to the customs officials at the US port from which the shipment is subsequently exported.

2. Clearance of Inbound Cargo through US Customs. US Public Law requires that all imported articles, with few exceptions, are subject to either formal or informal entry procedures, depending on the commodity and its value. In addition, the law requires that all articles entering the US are subject to examination or inspection. To satisfy these requirements, it is mandatory that all DOD-sponsored cargo be:

- a. Free of contraband, and pests of agricultural and natural ecosystems.
- b. Declared to the US Customs inspector at the first port of entry.
- c. Available for border clearance inspection when requested by the appropriate border clearance authority.

3. **USDA Inspection Program.** USDA continues to support and encourage agricultural pre-clearance inspections at OCONUS locations. See Chapter 506 for details on requirements, procedures, and information on establishing a pre-inspection program.

4. **Classified Shipments.** If FIS personnel at CTUS ports of entry request to inspect classified cargo, access will be granted only after FIS security clearances have been validated. FIS personnel assigned or performing duties at military terminals normally have had their security clearances previously validated. A qualified and properly cleared representative of the DOD component, or other agency to which the cargo belongs, should be present when the shipment is inspected by properly cleared FIS personnel.

5. **Border Clearance Inspection or Examination.** All DOD cargo or personnel entering the CTUS are subject to inspection or examination by USCS, USDA, and/or INS at the first port of entry. The degree of inspection is the prerogative of border clearance officials.

6. **Marking Requirements.**

a. **DOD-Owned Cargoes.** All shipping activities moving DOD-owned cargo (including commercial vendors) must apply the statement, "US Government Property - Entitled to Duty-Free Entry" (See this regulation, Part II, Cargo Movement, Chapter 206.) on all shipping documents, i.e., bills of lading, manifests, or commercial shipping labels to facilitate customs and border clearance. All shipping and customs documentation should include the Transportation Control Number (TCN), Department of Defense Activity Address Code (DODAAC) and the signature block of the originating TO or authorizing shipping activity.

b. **Commercial Cargo.** Marking requirements for commercial cargo, i.e., cargo not owned by the DOD, should follow current commercial practices. Contracts for the procurement and shipment of such cargo should include provisions for the use of commercial customs brokers and address cost/payment of duties and taxes.

H. US ENTRY REQUIREMENTS FOR VENDOR (COMMERCIAL CONTRACTOR) SHIPMENTS

1. The DOD Customs Duty-Free Management System is administered by and based at the Defense Contract Management Agency (DCMA) New York, Staten Island, New York. The DCMA New York Customs Team works DOD new overseas procurement duty-free issues.

2. The entities involved in the process are the contractor, the Administrative Contracting Officer (ACO), the Procurement Contracting Officer (PCO), the USCS, customs house brokers, foreign suppliers, carriers and the Customs Team of DCMA New York.

3. The contractor is awarded a DOD contract containing the DFE clause. The contractor then determines if he/she is going to purchase/sub-contract OCONUS. It is the responsibility of the contractor to notify the ACO of his/her decision.

4. Upon shipment of the materiel to the CONUS, a broker is involved only when the shipment is consigned to a private sector entity. The broker is responsible for:

a. Preparation and filing of the CF 3461. Imported supplies purchased pursuant to a DOD contract are supplies that are entitled to be immediately released. USCS requires that the importer of record provide documentation proving their continuous or single transaction importer's bond in order to obtain immediate release of the shipment.

b. Submitting the original shipping documents including invoices, bills of lading, or other pertinent entry documents as well as two legible reproductions of Customs Form 7501, Entry Summary prepared by broker to the Customs Team, DCMA New York.

c. After receipt of the duty free entry certificate from the Customs Team, the broker will submit the original certificate to the appropriate US Customs Port of Entry allowing for liquidation. If the entry is not liquidated, then the duty will be paid.

d. After receipt of a Letter of Denial from the Customs Team, the broker will notify their client of the denial and inform the client of the fact that if corrective action is not taken, duty will be paid. The denial letter will indicate the reason for denial.

5. For materiel going to a military installation, the US Customs Ports will:

a. Release the material to the carrier for delivery directly to the military installation when the consignee is a military activity.

b. Forward all entry documentation to the Customs Team, DCMA New York. The documentation will include an Entry Number (EN) assigned by the port. The ENs will start with the filer code "P99". Each port is assigned a block of ENs by USCS headquarters (HQ).

c. Liquidate the entry when they receive a Customs Form 7501 from DCMA New York.

6. The Customs Team, DCMA New York is the most significant player in the DFE process. They keep a database of DOD contracts entitled to DFE and the dollar value of each contract. DCMA New York is the only organization that can certify supplies as being entitled to duty free entry.

7. Shipping documentation and exterior packages will be marked IAW DFARS 252.225-7008, Supplies to be Accorded Duty-Free Entry. This will indicate to the USCS that it is a DOD shipment claiming DFE.

8. Additional detail on these procedures can be found in Defense Logistics Agency Directive 5000.4, Contract Management, Chapter 6.9, Customs and Duties. Process flowchart is shown at Figure 502-1.

9. Additional References.

- a. Federal Acquisition Regulation (FAR) Subpart 25.6, Trade Sanctions.
- b. FAR Subpart 52.225-8, Duty-Free Entry.
- c. DFARS 252.225-7009, Duty-Free Entry-Qualifying Country Supplies (End Products and Components).
- d. DFARS 252.225-7010, Duty-Free Entry-Additional Provisions.
- e. 19 CFR 10.101, Immediate Delivery.
- f. 19 CFR 10.102, Duty-Free Entries.
- g. 19 CFR 10.142, Entry Process.

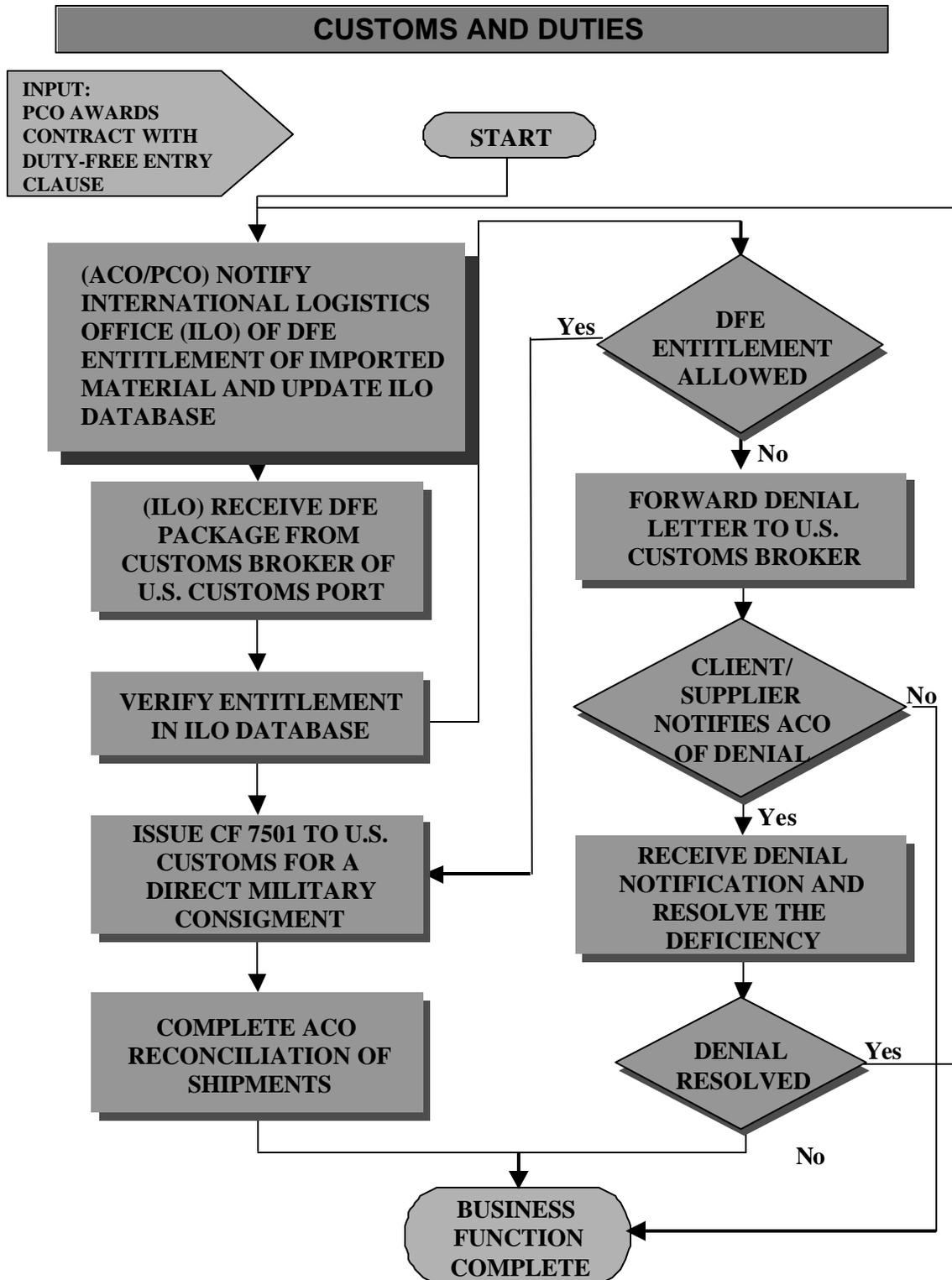


Figure 502-1. Illustration of DFE Process for Vendor Shipments to US

I. PERSONAL PROPERTY (UNACCOMPANIED BAGGAGE (UB) AND HOUSEHOLD GOODS (HHG))

1. For HHG and UB to enter the CTUS, the member/employee must complete (with the assistance of the origin TO) and sign a DD Form 1252, US Customs Declaration for Personal Property Shipments.

2. If the shipment contains firearms, the member/employee must complete DD Form 1252-1, US Customs Declaration for Personal Property Shipments. A copy of any supporting importation documents (e.g., ATF Form 6-Part II, Application and Permit for Importation of Firearms, Ammunition and Implements of War, for members and ATF Form 6-Part I, Application and Permit for Importation of Firearms, Ammunition and Implements of War, for employees), should be attached to all copies. See Chapter 503, for firearms import requirements.

3. Commingling of personal property or baggage with other military cargo is prohibited. USCS requires that personal property be kept separate from other military cargo.

4. Inspection.

a. All personal property shipments are subject to inspection by USCS officials upon entry to the CTUS. DOD members/employees are responsible for removing any prohibited articles from the HHG or UB prior to shipment. See Appendix A for a list of restricted and prohibited articles.

b. The MCI program for OCONUS locations is no longer recognized by the USCS and has been cancelled. However, all personnel involved in the shipment of personal property should be aware of the requirements in this regulation in order to advise the member/employee and to not allow the shipment of unauthorized articles, when detected.

c. DOD members/employees are also responsible for inspecting their personal property prior to shipment to ensure agricultural requirements are met (free of soil and pest infestations). USDA continues to support and encourage agricultural pre-clearance inspections at OCONUS locations. See Chapter 505 for details on requirements, procedures, and information on establishing a pre-inspection program.

J. PRIVATELY OWNED VEHICLES (POVS)

1. To import POVs into the CTUS, the vehicles must have been manufactured in compliance with both the DOT motor safety standards and US EPA emission control standards in effect at the time of manufacture, or the vehicles must be modified to comply with such standards. Additionally, POVs equipped with catalytic converters or other emission control devices must meet emission test requirements and standards. All POVs must be free of soil to meet USDA requirements.

2. Safety Standards. All vehicles, foreign or domestic, manufactured on or after 1 January 1968, must conform to the applicable US motor vehicle safety standards in effect on the date of manufacture. Certification for all vehicles, to include motorized bikes and motor scooters manufactured on or after 1 January 1969, being imported into the CTUS is accomplished on a

DOT Form HS7, Importation of Motor Vehicles and Motor Vehicle Equipment Subject to Federal Motor Vehicle Safety, Bumper and Theft Prevention Standards. The completed form will be attached to the original DD Form 1252 that was completed for the vehicle.

a. US Specification POV. The original manufacturer's certification label affixed to the vehicle door post or frame of motorized bike or motor scooter is the best evidence of conformance. The label must show the date of manufacture and the vehicle identification number. For multipurpose passenger vehicles, the type of vehicle must also be shown.

b. Non-US Specification POV.

(1) Effective 31 January 1990, Public Law (PL) 100-562, Imported Vehicle Safety Compliance Act of 1988, and its implementing regulations require that POVs which are not certified by their original manufacturer to be in conformity with applicable with US Federal Motor Vehicle safety, bumper, tires, and theft prevention standards, be imported into the CTUS only through importers registered (Registered Importer) with the DOT National Highway Traffic Safety Administration (NHTSA). Non-US specification vehicles must be brought into conformity with all applicable Federal motor safety standards proscribed by PL 100-562 within a reasonable time after importation. Members should contact the NHTSA for a current listing of Registered Importers applicable to their POV.

(2) In addition to applicable customs requirements, importers of such vehicles must furnish a DOT conformance bond, in the amount of three times the value of the vehicle, on DOT Bond Form HS 474, Bond to Ensure Conformance with Motor Vehicle Safety and Bumper Standards.

3. EPA Emission Standards. Under the provisions of the Clean Air Act, 42 USC § 7522, Prohibited Acts, passenger cars, light-duty trucks, and four-wheel drive vehicles, both foreign and domestic manufacture, 1968 gasoline fueled models and later, 1975 diesel fueled models and later, 1976 diesel fueled light-duty truck models and later, and motorcycles manufactured after 1 January 1978, must conform with Federal emission control standards in effect at the time of manufacture. Certification for all vehicles, to include motorized bikes and motor scooters, being imported into the CTUS is accomplished on an EPA Form 3250-1 Importation of Motor Vehicles and Motor Vehicle Engines Subject to Federal Air Pollution Regulations. Depending upon the state (e.g., California), POVs may have to conform to more stringent state emission standards.

a. US Specification POV. A US Specification POV will bear an EPA emission control label in the English language. The label will generally be found attached to the vehicle engine, radiator fan shroud, or the underside of the hood. The label must show the engine family identification assigned by EPA to the original manufacturer during certification, and an unconditional statement of compliance with the appropriate model year EPA emission regulations.

b. US Specification POV with Removed or Damaged Catalytic Converter or Oxygen Sensor. A US Specification POV with a removed or damaged catalytic converter or oxygen sensor at the time of entry into the CTUS must be brought into conformity with EPA requirements by the member/employee (POV owner). This is accomplished by reinstallation or

replacement of the catalytic converter and oxygen sensor, as required or replacement of the fuel neck if the fuel neck restriction is missing or has been rendered inoperative. No bond is required for a US Specification POV imported for this purpose.

c. Non-US Specification Vehicles.

(1) Vehicles not built to US emission requirements must be imported through an independent commercial importer (ICI) that holds a valid certificate of conformity from EPA. The ICI bears responsibility for ensuring that the vehicle is properly modified to conform with US emission requirements. The EPA will not accept ICI work performed outside the US. Vehicles demonstrated to be at least 21 years of age are exempted from the EPA emission requirements and are therefore not required to be imported through an ICI.

(2) The makes or models that an ICI can import are limited. EPA cautions that an ICI's capability of bringing a vehicle into conformity with US emission requirements does not guarantee that in individual cases the ICI will agree to accept the vehicle or that the work will be performed properly or timely.

(3) Vehicles previously modified to meet US emission requirements are considered to be US specification vehicles by EPA if the vehicle is labeled by an EPA-authorized ICI as meeting all applicable US emission requirements at the time of modification, or the member has a letter from EPA stating that the vehicle was modified to meet applicable EPA requirements.

(4) Additional information on the specific model vehicle that ICIs can import may be obtained from the US Environmental Protection Agency, Certification and Compliance Division (6405-J), Attn: Imports, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460 (telephone 202 564-9660).

4. Motorcycles, Motor Scooters, and Mopeds. The inclusion of motorcycles, motor scooters, or mopeds in a HHG shipment does not change, reduce, or eliminate any federal emission control or safety requirement in effect for that model year vehicle. Motorcycles, motor scooters, or mopeds in HHG shipments will be treated in the same manner as any other vehicle. Appropriate DOT and EPA documentation must be completed and included as part of the shipping documentation just as if the motorcycle, motor scooter, or moped was to be shipped as a separate POV. Motorcycles, motor scooters, or mopeds with less than 50cc engine capacity are generally exempt from DOT/EPA requirements.

K. FORMS

1. Compliance with provisions of this regulation will require use of other federal agency forms and publications. Specific forms and publications are described in applicable chapters in this regulation.

2. Forms required by this regulation and pamphlets pertinent to implementation of its technical aspects may be obtained through normal publications supply channels IAW appropriate Service regulations.

3. As required, Service publication and distribution centers will coordinate supply and stock of other federal agency forms and publications with the following:

a. U. S. Customs Service. U. S. Customs Service, National Distribution Center, Post Office Box 68912, Indianapolis, Indiana 46268.

b. U. S. Department of Agriculture. Animal and Plant Health Inspection Service (APHIS), Information Division Room 1143, South Building, U. S. Department of Agriculture, Washington, D. C. 20250.

c. Environmental Protection Agency. Public Information Center (PM-215), Environmental Protection Agency, Washington, D. C. 20460.

d. Bureau of Alcohol, Tobacco, and Firearms. Bureau of Alcohol, Tobacco, and Firearms Distribution Center, 3800 South Four Mile Run Drive, Arlington, VA 22206.

e. U. S. Fish and Wildlife Service. Department of the Interior, U. S. Fish and Wildlife Service, Washington, D. C. 20240.

f. Department of Transportation. National Highway Traffic Safety Administration, Office of Vehicle Safety Compliance NEF-32, 400 Seventh Street, S. W., Room 6115, Washington, D. C. 20590.

CHAPTER 503

IMPORTATION OF PRIVATELY OWNED FIREARMS (POF) AND AMMUNITION AND IMPLEMENTS OF WAR

A. SCOPE

1. This chapter prescribes procedures, assigns responsibilities, and outlines eligibility requirements for the importation into the US of POF and ammunition by DOD personnel. It also specifies controls to ensure compliance with regulations and documentation requirements of the BATF and the USCS.
2. Procedures for the interstate movement of POF and ammunition, and procedures for the importation of other than POF and ammunition are contained in Service regulations. Procedures for the export of POF from the US are contained in Service regulations and the International Traffic in Arms Regulations (ITAR) administered by the Office of Defense Trade Controls, and 22 CFR 123.22, Filing of Export Licenses and Shipper's Export Declarations with District Directors of Customs.
3. This chapter does not apply to the control, registration, or shipment of war trophy firearms which are governed by Army Regulation (AR) 608-4/Navy Operational Instruction (OPNAVINST) 3460-7A/Air Force Joint Instruction (AFJI) 31-217/Marine Corps Order (MCO) 5800.6-A, Control and Registration of War Trophies And War Trophy Firearms. Documentation requirements for these firearms are included therein for reference purposes only. It should be noted, however, that the shipment of personal war souvenirs or trophies is strictly forbidden without an official authorization by the President of the US and designation by the Secretary of Defense. Currently such firearms must have been registered with a DD Form 603, Registration of War Trophy Firearm, issued prior to 13 March 1973. Importation of unit war trophies or historically significant trophies or equipment is prohibited without approval of the Secretary of Defense and appropriate Service Secretary. Importation must be accomplished under applicable Service regulations.
4. The Joint Travel Regulations/Joint Federal Travel Regulations (JTR/JFTR) prohibit shipment of privately owned live ammunition as part of a member's/employee's HHG or UB. For shipping purposes under the JFTR, live ammunition is considered ammunition that contains explosive components; i.e., unexpended primer or propellant powder. It does not include expended or unprimed cartridge casings, empty or spent shotgun shells, shotgun shot or pellets or souvenirs used for decorative purposes. For purposes of the CBCP, the definition of ammunition in the Definitions Section of the regulation is applicable. Any reference to ammunition in this chapter is applicable only to ammunition that may be carried as accompanied (checked) baggage IAW carriers' regulations or that is being returned to the CTUS as other than HHG or UB.
5. Importation of foreign and domestic semiautomatic assault-type weapons is prohibited.

B. IMPORT REQUIREMENTS

1. Military personnel.

a. Members of the US Armed Forces may import into the US any reasonable number of personally owned firearms and amount of ammunition, subject to the following:

(1) Member must be on active duty outside the US or have been on active duty outside the US within the 60-day period immediately preceding importation. (Customs duty must be paid on any monetary amount above the normal customs exemption.)

(2) The firearms and ammunition must be suitable for sporting purposes, or properly registered war trophy firearms, as set forth herein. Prohibited firearms may not be imported. Surplus military firearms may not be imported unless the member can demonstrate previous ownership in the US of the firearms to US border clearance officials.

(3) The firearms and ammunition must be intended solely for the personal use of the member and not be intended for resale or for a gift to others.

(4) Import must be to the place of residence of the member or to the member's permanent duty station.

(5) Import must be IAW all applicable federal laws and state, territorial, or local laws. Members should consult BATF Publication 5300.5, State Laws and Published Ordinances, Firearms for detailed information regarding state laws.

b. Import Permit Requirements. Application to import firearms and ammunition must be made on ATF Form 6 Part II. The completed application should be sent to the Director, Bureau of Alcohol, Tobacco, and Firearms, ATTN: Firearms and Explosives Imports Branch, 650 Massachusetts Avenue N.W., Washington, D. C. 20226. BATF approved permits are required for the importation of all personally owned firearms and ammunition, regardless of date of purchase, except as noted below.

(1) Permits Not Required. Permits are not required for:

(a) Firearms and ammunition previously taken out of the US by the same member with proof of export.

(b) Antique firearms and replicas of antiques of such firearms if they are designed to use antique ignition systems (e.g., matchlock, flintlock or percussion cap) or use rimfire or conventional centerfire ammunition that is not available in commercial channels.

(c) Firearms classified as war trophies when accompanied by a properly executed DD Form 603 indicating the firearm was properly acquired and registered during a period designated by the DOD provided such war trophies were previously owned in the US.

(2) Other items or categories exempt from importation procedures as set forth in 27 CFR 178.114, Importation by Members of the U.S. Armed Forces.

2. DOD Civilian Personnel.

a. Firearms and Ammunition Acquired Overseas. DOD employees who are employed overseas and reside there while so employed are not considered as being residents of a State in the US during that period and, therefore, they may import into the US any firearms or ammunition acquired overseas during their employment that may lawfully be imported subject to the following conditions:

(1) The firearms and ammunition must be suitable for sporting purposes, or properly registered war trophy firearms, as set forth herein. Prohibited firearms may not be imported. Surplus military firearms may not be imported unless the member can demonstrate previous ownership in the US of the firearms to US border clearance officials.

(2) The firearms and ammunition must be intended solely for the personal use of the member and not be intended for resale or for a gift to others.

b. Import Permit Requirements: Application to import firearms and ammunition must be made on ATF Form 6 Part I. On the application or an attached sheet, a statement should be included that the applicant is a US citizen returning from employment outside of the US and has resided there during such employment, and that the firearms and ammunition are being imported for personal use and not for resale. The completed application should be sent to the Director, Bureau of Alcohol, Tobacco, and Firearms, ATTN: Firearms and Explosives Imports Branch, 650 Massachusetts Avenue N.W., Washington, D. C. 20226. BATF approved permits are required for the importation of all personally owned firearms and ammunition, regardless of date of purchase, except as noted below.

c. Permits are not required for:

(1) Firearms and ammunition previously taken out of the US by the employee returning them. Proof of export is required.

(2) Antique firearms and replicas of antiques of such firearms if they are designed to use antique ignition systems (e.g., matchlock, flintlock or percussion cap) or use rimfire or conventional centerfire ammunition that is not available in commercial channels.

(3) Firearms classified as war trophies when accompanied by a properly executed DD Form 603 indicating the firearm was properly acquired and registered during a period designated by DOD.

3. Other Imports. In addition to the imports of privately owned firearms and ammunition covered in the paragraphs above, the following imports are allowed:

a. A firearm issued to a general or flag officer under the provisions of military regulations. (No import permit required.)

b. Firearms and ammunition imported for, sold or shipped to, or issued for the use of the US or any department or agency thereof, or any State or any department, agency, or political

subdivision thereof. (An import permit is required unless the firearms or ammunition is being directly imported by a federal agency.)

c. Firearms or ammunition, with proper documentation, being brought into the US for scientific or research purposes, or for use in connection with competition or training for competitive firing (import permit required).

d. Firearms, other than machine guns, as determined by BATF to be unserviceable and not restorable to firing condition, being entered into the US as curios, museum pieces, or historical artifacts (import permit required).

4. Temporary Import.

Any individual (military or civilian) on duty overseas may send a normally permitted firearm to a licensed dealer in the US for repair and subsequent return to the individual at his or her overseas location. The firearm will normally be mailed, with the words "REPAIR AND RETURN" clearly marked on the outside of the package. (No import permit required)

C. IMPORT PROCEDURES

1. Import with an BATF-approved Permit.

a. Military personnel will submit an application for an import permit, if required, on ATF Form 6 Part II. DOD civilian personnel will use ATF Form 6 Part I.

b. Applications to BATF for permits to import handguns into the US or to a State, territory, or locality that requires specific authorization to own or possess a handgun, must be accompanied by such authorization. The BATF will approve the importation of firearms with an advisory restriction regarding State requirements. For information on laws pertaining to a particular State, territory, or locality, members/employees should consult a military customs activity within their command or a TO, both of whom should have ATF Publication 5300.5.

c. Members/employees should retain one copy of the completed form and send the original and two copies to the BATF.

d. The BATF will determine if the firearms and ammunition are authorized for importation IAW standards established by that office.

e. The BATF will indicate approval action on the ATF Form 6 Part I or II and will return the form to the member/employee or their designated agent.

f. When the BATF has approved the import, a blank ATF Form 6A, Release and Receipt of Imported Firearms, Ammunition and Implements of War, will be returned with the ATF Form 6 Part I or II. The ATF Form 6A must be completed and provided to the USCS in the U. S. for firearms being imported with an import permit.

2. Shipment of Firearms in HHG or UB.

a. Should the member/employee ship or mail firearms previously taken out of the US back into the US in HHG or UB, the certification in item 2 of DD Form 1252-1 will be completed. A copy of the Certification, if available, should accompany the DD Form 1252-1. A DD Form 1252-1, signed by the commanding officer of the service member or a previously executed CF 4455, Certificate of Registration, or CF 4457, Certificate of Registration for Personal Effects Taken Abroad, may be used as proof of prior transportation out of the US.

b. Ammunition may not be shipped as HHG or UB.

3. Proof of Prior Ownership in the US.

a. CF 4455 should be executed by the member/employee when shipping firearms or ammunition from the US to an overseas area. When the member/employee is carrying firearms or ammunition from the US, CF-4457 should be executed. These forms must be completed prior to departure from the US at any USCS office. The forms will establish that the firearms or ammunition were previously taken out of the US by the member/employee upon the member's/employee's subsequent return.

b. In lieu of certification on CF 4455 or CF 4457, proof of possession in the US may be established by a bill of sale, a receipt or other such document, a HHG inventory or packing list, or an application to ship personal property so long as the article is adequately described therein.

4. Sporting Firearms and Ammunition Acquired Overseas. Importation of sporting firearms and ammunition acquired overseas by a member/employee directly from a US firearms dealer, or purchased from a Rod and Gun Club will require a BATF-approved import permit.

5. Importation of a firearm issued to a general or a flag officer is accomplished through the presentation of proper personal identification.

6. Antique firearms may be imported without any documentation or special procedures. Antique firearms are defined as any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in 1898 or earlier and replicas of antiques of such firearms if they are designed to use antique ignition systems (e.g., matchlock, flintlock or percussion cap) or use rimfire or conventional centerfire ammunition that is not available in commercial channels.

7. War Trophy Firearms. War trophy firearms can be imported without a permit. Such firearms must have been registered with a DD Form 603 issued prior to 13 March 1973 or a new DD Form 603 issued subsequent to a new Presidential Authorization and DOD designation. Importation of war trophy firearm is otherwise prohibited.

8. Unit War Trophies/Historically Significant Trophies. Importation of unit war trophies or historically significant trophies or equipment is prohibited without approval of the Secretary of Defense and appropriate Service Secretary. Importation must be accomplished under applicable Service regulations.

9. Importation of foreign and domestic semiautomatic assault weapons is prohibited.

10. Importation of machineguns, short barrel shotguns, short barrel rifles, silencers, destructive devices, and certain other concealable firearms is prohibited.

D. SHIPPING AND PACKAGING REQUIREMENTS

1. To be authorized movement at government expense, all firearms shipped, carried, or mailed into the US must be free of explosive charges and must be accompanied with the appropriate documentation as prescribed above. This documentation must be in evidence when the firearms are turned over to a TO, carrier, or postal official for movement. A written notice is required to be furnished to any common or contract carrier before delivering any package containing a firearm for shipment in interstate or foreign commerce. The carrier will be informed that the documentation constitutes written notification that firearms are contained therein.

2. Personal Property (UB or (HHG)). Firearms being imported by a member/employee may be included in UB or HHG provided such shipment is authorized under appropriate Service shipping regulations.

a. The member/employee will indicate the presence of firearms on the inventory of personal property, and in Item 16 of the DD Form 1299, Application for Shipment and/or Storage of Personal Property, and on the DD Form 1252-1, all of which will be made part of the documentation accompanying the shipment.

b. Firearms authorized shipment in UB or HHG must be packed separately from other personal property in the shipment and placed in the number 1 container such that they are readily accessible for examination by USCS and other border clearance officials when required.

3. Accompanied Baggage. Unloaded firearms and ammunition may be carried as part of accompanied baggage; the articles must, however, be placed in a locked container and moved as checked baggage, not accessible to any passenger during transport. The traveler must check with his or her TO and the selected airline for additional information on the specific airlines' policy for hand carrying of unloaded firearms and ammunition.

E. MAIL

1. Concealable firearms, such as handguns, are non-mailable except as indicated in paragraph 124 of the Postal Service Manual. DOD Policy specifically prohibits Rod and Gun Clubs from mailing concealable weapons through the Military Postal System. Restrictions on non-concealable firearms are contained in paragraph 126 of the Postal Service Manual.

2. Where local military regulations or host country considerations do not prohibit the transmittal of firearms by mail, the use of the military postal system is authorized for the following:

a. Transportation of any firearms imported for, sold to, shipped to, or issued for the use of any department or agency of the US Government when mailed in the military postal system.

b. Sporting or antique firearms which qualify under provisions of paragraph 124, Postal Service Manual and which are addressed to a member of the US Armed Forces or any dealer, such as a military exchange, entitled by law to engage in business as a firearms dealer and authorized to use the military postal system.

c. Personnel authorized to use military postal facilities will consult military postal representatives to determine if firearms are mailable prior to presenting the firearms for mailing. Firearms mailed without the documentation will be detained by USCS at the port of entry pending compliance with documentation requirements. Support documentation is the responsibility of the owner.

d. Ammunition. Ammunition, as defined herein, will not be mailed.

F. DOCUMENTATION

1. Except for antique firearms, a completed ATF Form 6 and other documents, as required under the provisions of this regulation, will be attached to the original DD Form 1252-1. The original DD Form 1252-1, and supporting documents, will be attached to the DD Form 1252 itself or the manifest that accompanies the shipment if the firearms are being shipped with other personal property.

2. Firearms for which import permits are required may be mailed or personally carried to the US prior to receipt of a permit. Such firearms will be held by USCS at the US port of entry pending presentation of an import permit. This action should only be done in those instances where an application for a permit has been submitted to the BATF but the member has not received the approved permit prior to departure from the oversea area. If such firearms are included in a personal property shipment, the TO preparing the documentation will redline the DD Form 1252 and annotate the reason so as to alert USCS at the port of entry.

G. RESPONSIBILITIES

1. TOs. TOs are responsible for:

a. Counseling members/employees on their responsibilities for documentation and shipment requirements for privately owned firearms and ammunition. Ensure documentation/bills of lading are annotated with the statement: "Shipment Contains Firearms".

b. Ensuring that members/employees are furnished the criteria for evaluating handguns and that they are advised to check with Rod and Gun Clubs, post or base exchanges, or ship's stores to ensure that firearms purchased through such facilities meet importation requirements. Any questions concerning the importation of a specific firearm should be referred to the BATF.

c. Ensuring members/employees are provided information relative to State laws and locally published ordinances.

d. Complying with the shipping and packing requirements outlined in this regulation.

2. CBCAs. CBCAs are responsible for:

a. Ensuring that firearms shipments are supported with BATF-approved import permits, necessary proof, declarations, or certificate, as appropriate, IAW the provisions of this regulation.

b. Ensuring that all firearms are free of explosive charges.

c. Executing Section D, Customs Inspector's Certificate, on DD Form 1252-1 upon completion of a and b above.

d. Indicating, by drawing a red diagonal line on the DD Form 1252 and the first page of the DD Form 1252-1, those shipments containing firearms which require the attention of USCS at the US port of entry. These forms must be redlined when the following conditions exist:

(1) Member/employee fails to produce ATF Form 6 for firearms requiring the form.

(2) Insufficient documentation exists to support a member's/employee's claim that the firearms are importable without an ATF Form 6.

(3) Member is in possession of a war trophy firearm without a DD Form 603 issued prior to 13 March 1973 or a DD Form 603 issued subsequent to a new Presidential Authorization and DOD designation. Importation of war trophy firearm is otherwise prohibited.

(4) Member cannot produce CF 4457 or CF 4455, an invoice or sales receipt from a licensed US gun dealer, a HHG inventory, or any other written evidence that the member owned and possessed the weapon(s) in the US. Firearms or ammunition arriving in the CTUS and not accompanied by the required documentation will be detained by the USCS, abandoned by the owner to the US Government, or exported.

(5) USCS will remove firearms which are found in a personal property shipment without proper accompanying documentation from the shipment (remaining personal property will then be released for onward movement) and stored at a designated military or USCS facility to await issuance of required documentation. Responsible TOs at the port of entry or the carrier entering the shipment into the CTUS will ensure that the USCS inspector has executed a CF 6051, Receipt for Detained Merchandise, and placed a copy with the remainder of the shipment in lieu of any firearms that have been removed and detained.

(6) USCS at the port of entry will remove firearms and ammunition in accompanied checked baggage that are not released under a certificate or declaration or not supported by an approved import permit and detain the articles pending receipt of the import permit or other required documentation.

3. Shippers of Firearms and Ammunition.

a. Will notify the TO at the port of entry where the firearm is detained that application for permit has been submitted to the BATF.

b. Will furnish the TO at the port of entry the correct address to which the firearm should be shipped when released by the USCS and request onward movement of the firearm be arranged when documentation is complete.

c. Are responsible for providing all proper documentation required for the importation of privately owned firearms and ammunition.

4. Direct Procurement Method (DPM). When firearms are included in DPM shipments of personal property arriving at ports of entry without supporting border clearance documentation, the TO at the port of entry or the carrier entering the property into the CTUS will:

a. Provide liaison with the USCS officials at the port of entry, including having firearms removed from the shipment while releasing the remainder of the personal property for shipment to its destination.

b. Notify the destination TO and request that the required documentation from the owner be forwarded.

c. Upon receipt of the approved BATF import permit from the owner, complete the process and provide ATF Form 6A to the USCS, pack and crate the firearm, and promptly forward it to destination.

5. International Through Government Bill of Lading (ITGBL). When firearms are included in ITGBL shipments of personal property moving by commercial carriers, the carrier is responsible for advising the nearest TO when firearms are detained by Customs. The carrier will then request assistance in securing release of the firearms for onward movement to the final destination.

6. Disposition of Firearms Not Authorized Importation.

a. Firearms and ammunition which are held by the owner or his/her agent in an area outside the CTUS and which are not authorized importation will be disposed of overseas IAW applicable departmental regulations and the laws of the country concerned.

b. When an application to import a firearm or ammunition is disapproved and the item as already entered the CTUS, or when the USCS has detained unauthorized firearms or ammunition shipped to the CTUS, the member will:

(1) At his or her own personal expense, make arrangements to return the firearm to the seller. The member/employee or their agent will arrange for the exportation of the firearm or ammunition under USCS supervision or for its return to the sender if the firearm was mailed to the member/employee; or

(2) Abandon the firearm to the US Government IAW instructions provided by the USCS at the port at which the firearm is detained; or

(3) Submit the firearm to seizure and forfeiture as provided by law.

7. Federal Excise Tax. The Federal Excise Tax imposed on the sale or use of all firearms and ammunition applies to firearms and ammunition acquired overseas and imported into the CTUS. If the member/employee is required to pay the Federal Excise Tax, the member/employee will file an ATF Form 5300.26, Federal Firearms and Ammunition Excise Tax Return, within thirty days of the end of the calendar quarter in which the firearms or ammunition were imported. Members/employees should contact the BATF nearest to their place of residence for information.