Appendix B
U.S. Customs and Border Protection

Policy Regarding Border Search of Information

July 16, 2008

This policy provides guidance to U.S. Customs and Border Protection (CBP) Officers, Border Patrol Agents, Air and Marine Agents, Internal Affairs Agents, and any other official of CBP authorized to conduct border searches (for purposes of this policy, all such officers and agents are hereinafter referred to as “officers”) regarding the border search of information contained in documents and electronic devices. More specifically, this policy sets forth the legal and policy guidelines within which officers may search, review, retain, and share certain information possessed by individuals who are encountered by CBP at the border, functional equivalent of the border, or extended border. This policy governs border search authority only; nothing in this policy limits the authority of CBP to act pursuant to other authorities such as a warrant or a search incident to arrest.

A. Purpose

CBP is responsible for ensuring compliance with customs, immigration, and other Federal laws at the border. To that end, officers may examine documents, books, pamphlets, and other printed material, as well as computers, disks, hard drives, and other electronic or digital storage devices. These examinations are part of CBP’s long-standing practice and are essential to uncovering vital law enforcement information. For example, examinations of documents and electronic devices are a crucial tool for detecting information concerning terrorism, narcotics smuggling, and other national security matters; alien admissibility; contraband including child pornography, monetary instruments, and information in violation of copyright or trademark laws; and evidence of embargo violations or other import or export control laws.

Notwithstanding this law enforcement mission, in the course of every border search, CBP will protect the rights of individuals against unreasonable search and seizure. Each operational office will maintain appropriate mechanisms for internal audit and review of compliance with the procedures outlined in this policy.

B. Review of Information in the Course of Border Search

Border searches must be performed by an officer or otherwise properly authorized officer with border search authority, such as an ICE Special Agent. In the course of a border search, and absent individualized suspicion, officers can review and analyze the information transported by any individual attempting to enter, reenter, depart, pass through, or reside in the United States, subject to the requirements and limitations provided herein. Nothing in this policy limits the authority of an officer to make written notes or reports or to document impressions relating to a border encounter.
C. Detention and Review in Continuation of Border Search

(1) **Detention and Review by Officers.** Officers may detain documents and electronic devices, or copies thereof, for a reasonable period of time to perform a thorough border search. The search may take place on-site or at an off-site location. Except as noted in section D below, if after reviewing the information there is not probable cause to seize it, any copies of the information must be destroyed. All actions surrounding the detention will be documented by the officer and certified by the Supervisor.

(2) **Assistance by Other Federal Agencies or Entities.**

(a) **Translation and Decryption.** Officers may encounter information in documents or electronic devices that is in a foreign language and/or encrypted. To assist CBP in determining the meaning of such information, CBP may seek translation and/or decryption assistance from other Federal agencies or entities. Officers may seek such assistance absent individualized suspicion. Requests for translation and decryption assistance shall be documented.

(b) **Subject Matter Assistance.** Officers may encounter information in documents or electronic devices that is not in a foreign language or encrypted, but that nevertheless requires referral to subject matter experts to determine whether the information is relevant to the laws enforced and administered by CBP. With supervisory approval, officers may create and transmit a copy of information to an agency or entity for the purpose of obtaining subject matter assistance when they have reasonable suspicion of activities in violation of the laws enforced by CBP. Requests for subject matter assistance shall be documented.

(c) Original documents and devices should only be transmitted when necessary to render the requested assistance.

(d) **Responses and Time for Assistance.**

(1) **Responses Required.** Agencies or entities receiving a request for assistance in conducting a border search are to provide such assistance as expeditiously as possible. Where subject matter assistance is requested, responses should include any findings, observations, and conclusions relating to the laws enforced by CBP.

(2) **Time for Assistance.** Responses from assisting agencies are expected in an expeditious manner so that CBP may complete its border search in a reasonable period of time. Unless otherwise approved by the principal field official such as the Director, Field
Operations or Chief Patrol Agent, responses should be received within fifteen (15) days. This timeframe is to be explained in the request for assistance. If the assisting agency is unable to respond in that period of time, CBP may permit extensions in increments of seven (7) days. For purposes of this provision, ICE is not considered to be a separate agency.

(e) **Destruction.** Except as noted in section D below, if after reviewing information, probable cause to seize the information does not exist, any copies of the information must be destroyed.

D. **Retention and Sharing of Information Found in Border Searches**

(1) **By CBP.**

(a) **Retention with Probable Cause.** When officers determine there is probable cause of unlawful activity—based on a review of information in documents or electronic devices encountered at the border or on other facts and circumstances—they may seize and retain the originals and/or copies of relevant documents or devices, as authorized by law.

(b) **Other Circumstances.** Absent probable cause, CBP may only retain documents relating to immigration matters, consistent with the privacy and data protection standards of the system in which such information is retained.

(c) **Sharing.** Copies of documents or devices, or portions thereof, which are retained in accordance with this section, may be shared by CBP with Federal, state, local, and foreign law enforcement agencies only to the extent consistent with applicable law and policy.

(d) **Destruction.** Except as noted in this section, if after reviewing information, there exists no probable cause to seize the information, CBP will retain no copies of the information.

(2) **By Assisting Agencies and Entities.**

(a) **During Assistance.** All documents and devices, whether originals or copies, provided to an assisting Federal agency may be retained by that agency for the period of time needed to provide the requested assistance to CBP.

(b) **Return or Destruction.** At the conclusion of the requested assistance, all information must be returned to CBP as expeditiously as possible. In addition, the assisting Federal agency or entity must certify to CBP that all
copies of the information transferred to that agency or entity have been
destroyed, or advise CBP in accordance with section 2(c) below.

(i) In the event that any original documents or devices are
transmitted, they must not be destroyed; they are to be
returned to CBP unless seized based on probable cause by
the assisting agency.

(c) Retention with Independent Authority. Copies may be retained by an
assisting Federal agency or entity only if and to the extent that it has the
independent legal authority to do so—for example, when the information
is of national security or intelligence value. In such cases, the retaining
agency must advise CBP of its decision to retain information on its own
authority.

E. Review and Handling of Certain Types of Information

(1) Business Information. Officers encountering business or commercial information
in documents and electronic devices shall treat such information as business
confidential information and shall take all reasonable measures to protect that
information from unauthorized disclosure. Depending on the nature of the
information presented, the Trade Secrets Act, the Privacy Act, and other laws may
govern or restrict the handling of the information.

(2) Sealed Letter Class Mail. Officers may not read or permit others to read
correspondence contained in sealed letter class mail (the international equivalent
of First Class) without an appropriate search warrant or consent. Only articles in
the postal system are deemed “mail.” Letters carried by individuals or private
carriers such as DHL, UPS, or Federal Express, for example, are not considered to
be mail, even if they are stamped, and thus are subject to a border search as
provided in this policy.

(3) Attorney-Client Privileged Material. Occasionally, an individual claims that the
attorney-client privilege prevents the search of his or her information at the
border. Although legal materials are not necessarily exempt from a border search,
they may be subject to special handling procedures.

Correspondence, court documents, and other legal documents may be covered by
attorney-client privilege. If an officer suspects that the content of such a
document may constitute evidence of a crime or otherwise pertain to a
determination within the jurisdiction of CBP, the officer must seek advice from
the Associate/Assistant Chief Counsel or the appropriate U.S. Attorney’s office
before conducting a search of the document.
(4) **Identification Documents.** Passports, Seaman’s Papers, Airman Certificates, driver’s licenses, state identification cards, and similar government identification documents can be copied for legitimate government purposes without any suspicion of illegality.

**F. No Private Right Created**

This document is an internal policy statement of CBP and does not create any rights, privileges, or benefits for any person or party.
Appendix C
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ICE Policy System

DISTRIBUTION: ICE
DIRECTIVE NO.: 7-6.0
ISSUE DATE: July 16, 2008
EFFECTIVE DATE: July 16, 2008
REVIEW DATE: July 16, 2011
SUPERSEDES: See Section 3 Below.

DIRECTIVE TITLE: BORDER SEARCHES OF DOCUMENTS AND ELECTRONIC MEDIA

1. PURPOSE and SCOPE. This Directive sets forth the legal guidelines and establishes policy and procedures within ICE for border search authority to search, review, retain, and share certain documents and electronic media possessed by individuals during investigative operations at the border, the functional equivalent of the border, and the extended border. This Directive applies to all ICE personnel who meet the definition of “customs officer” under 19 U.S.C. § 1401(i) (“ICE Special Agent”), other domestic or foreign law enforcement officers cross designated by ICE as customs officers, and persons whose assistance ICE demands under 19 U.S.C. § 507 (collectively, “ICE personnel”). This Directive applies to searches of documents and electronic media of all persons arriving in, departing from, or transiting through the United States, unless specified otherwise. Each operational office will maintain appropriate mechanisms for internal audit and review of compliance with the procedures outlined in this policy.

This Directive applies to border search authority only. Nothing in this Directive limits the authority of ICE personnel to act pursuant to other authorities such as a warrant, search incident to arrest, or a routine inspection of an applicant for admission.

2. AUTHORITIES/REFERENCES.


2.2 19 U.S.C. § 507, Assistance for Officers.

2.3 19 U.S.C. § 1401(i), Customs Officers.


2.5 19 U.S.C. § 1467, Special inspection, examination, and search.

2.6 19 U.S.C. § 1496, Examination of baggage.

2.7 19 U.S.C. § 1499, Examination of merchandise.
2.8 19 U.S.C. § 1581, Boarding vessels.
2.9 19 U.S.C. § 1582, Search of persons and baggage; regulations.
2.10 19 U.S.C. § 1583, Examination of outbound mail.
2.12 19 C.F.R. Part 145, Mail Importations.
2.16 8 C.F.R. § 236.1(e), Privilege of Communication.

3. **SUPERSEDED/CANCELLED POLICY/SUMMARY OF CHANGES.** Customs Directive 3340-006A, entitled “Procedures for Examining Documents and Papers,” dated February 4, 2000, and all other directives, memoranda, bulletins, manuals, handbooks, and other guidelines and procedures relating to this subject and issued by the former U.S. Customs Service or the former U.S. Immigration and Naturalization Service no longer apply to ICE. All other issuances on this subject issued by ICE prior to the date of this Directive are hereby superseded, with the exception of the March 5, 2007, O1 guidance entitled “Field Guidance on Handling Detained or Seized Electronic Media from Persons of National Security Interest at Ports of Entry.”

4. **BACKGROUND.** ICE is responsible for ensuring compliance with customs, immigration, and other Federal laws at the border. To that end, ICE Special Agents may review documents, books, pamphlets, and other printed material, as well as computers, disks, hard drives, and other electronic or digital storage devices. These searches are part of ICE’s long-standing practice and are essential to uncovering vital law enforcement information. For example, searches of documents and electronic media are a crucial tool for detecting information concerning terrorism, narcotics smuggling, and other national security matters: alien admissibility; contraband including child pornography, illegal monetary instruments, and information in violation of copyright or trademark laws; and evidence of embargo violations or other import or export control laws.
5. DEFINITIONS.

5.1 Assistance. The use of third party analytic resources, outside of ICE, such as language processing, decryption, and subject matter expertise, to assist ICE in viewing the information contained in documents and electronic media or in determining the meaning, context, or value of information contained therein.

5.2 Documents. All papers and other written documentation including, but not limited to, those relating to the alien’s identity and/or admissibility (e.g., passports, visas, credit cards, licenses, social security cards, evidence of direct threats, criminal terrorist or a threat to national security); those relating to the import and/or export of goods and merchandise to or from the United States; other materials such as books, pamphlets, and printed/manuscript material; monetary instruments; and written materials commonly referred to as “pocket trash” or “pocket litter.”

5.3 Electronic Media. Any device capable of storing information in digital or analog form. Examples include: hard drives, compact disks, digital versatile disks, flash drives, portable music players, cell phones, pagers, beepers, and video and audio tapes and disks.

5.4 Letter Class Mail. U.S. first class mail and its international equivalent. This includes postcards, aerograms, letter packets, etc., mailed at the letter class rate or equivalent class or category of postage. To be considered first class mail, a letter must be presently in the U.S. postal system. Only articles presently within the U.S. postal system are deemed “mail,” even if they are stamped. Letters that are to be mailed, whether carried or in baggage, are not considered to be letter class mail.

6. POLICY. ICE Special Agents acting under border search authority may search, detain, seize, retain, and share documents and electronic media consistent with the guidelines and applicable laws set forth herein. In the course of a border search, and absent individualized suspicion, officers can review the information transported by any individual attempting to enter, reenter, depart, pass through, or reside in the United States, subject to the requirements and limitations provided herein. Assistance to complete a thorough border search may be sought from outside agencies and entities, on a case by case basis, as appropriate.

NOTE: Nothing in this policy limits the authority of ICE Special Agents to make written notes or reports or to document impressions relating to a border encounter.

7. RESPONSIBILITIES.

7.1 The Directors of OI, OPR, and OIA have oversight over the implementation of the provisions of this Directive.
7.2 Special Agents in Charge and Attachés are responsible for implementing the provisions of this Directive and ensuring that their subordinates receive a copy of this Directive and are familiar with its contents.

7.3 Attachés are responsible for ensuring coordination with their host countries and representative Ambassadors, as appropriate, before conducting any such border search outside of the United States.

7.4 ICE personnel are responsible for complying with the provisions of this Directive and must know the limits of ICE authority and use this authority judiciously.

8. PROCEDURES.

8.1 Border Searches by ICE Special Agents.

1) Border searches of documents and electronic media must be performed by an ICE Special Agent or other properly authorized officer with border search authority, such as a CBP Officer or Border Patrol Agent, persons cross designated by ICE as customs officers, and persons whose assistance to ICE is demanded under 19 U.S.C. § 507.

2) At any point during a border search, documents and electronic media, or copies thereof, may be detained for further review, either on-site at the place of detention or at an off-site location, including a location associated with a demand for assistance from an outside agency or entity (see Section 8.4).

3) Except as noted below in Section 8.5(2)(e), if, after reviewing the documents and electronic media, probable cause to seize the documents or electronic media does not exist, all detained copies must be destroyed. Any originals must be returned to the traveler as expeditiously as possible.

8.2 Chain of Custody.

1) Detentions of documents and electronic media. Whenever ICE detains documents or electronic media, or copies thereof, the Special Agent will initiate a chain of custody form (CBP 6051-D) or other appropriate documentation.

2) Seizures of documents and electronic media. Whenever ICE seizes documents or electronic media, or copies thereof, the seizing Special Agent is to enter the seizure into the Seized Asset and Case Tracking System (SEACATS) via the completion of a Search, Arrest, and Seizure Report (SAS). Additionally, the seizing agent must complete the appropriate chain of custody forms (Customs Form 6051) or other appropriate documentation.
8.3 Reasonable Time.

1) ICE personnel are to complete review of any detained or seized documents and electronic media in a reasonable time.

2) ICE Special Agents seeking assistance from other Federal agencies or entities are responsible for ensuring that the results of the review are received in a reasonable time (see Section 8.4(3)).

3) In determining “reasonable time,” ICE Special Agents should consider the following factors:
   
a) The nature of the documents or electronic media;

b) Whether the traveler was deprived of his or her property and, if so, whether the traveler was given the option of continuing his or her journey with the understanding that ICE would return the property once its border search was complete or a copy could be made;

c) The elapsed time between the detention, the initial border search, and the continued border search, including any assistance demand;

d) Whether assistance was sought and the type of such assistance;

e) Whether ICE followed up with the agency or entity providing assistance to ensure a timely review;

f) The amount of information needing review; and

g) Any unanticipated exigency that may arise.

8.4 Assistance by Other Federal Agencies and Non-Federal Entities

1) Translation and Decryption
   
a) During a border search, ICE Special Agents may encounter information in documents or electronic media that is in a foreign language and/or encrypted. To assist ICE in determining the meaning of such information, ICE Special Agents may demand translation and/or decryption assistance from other Federal agencies or non-federal entities.

b) ICE Special Agents may seek such assistance absent individualized suspicion.

  c) ICE Special Agents shall document and record such demands for translation and decryption assistance.

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ICE Directive: Border Searches of Documents and Electronic Media
2) Subject Matter Assistance.

a) During a border search, ICE Special Agents may encounter information in documents or electronic media that are not in a foreign language or encrypted, but that nevertheless require referral to subject matter experts to determine whether the information is relevant to the laws enforced and administered by ICE. For the purpose of obtaining such subject matter expertise, ICE Special Agents may create and transmit a copy of information to other Federal agencies or non-Federal entities.

b) ICE Special Agents may demand such assistance when they have reasonable suspicion of activities in violation of the laws enforced by ICE.

c) ICE Special Agents shall document and record such demands for subject matter assistance, as appropriate.

3) Originals. For the purpose of obtaining subject matter expertise, ICE Special Agents may create and transmit copies of information to other Federal agencies or non-Federal entities. Any original documents and media should be transmitted only when necessary to render the demanded assistance. If it is not necessary to transmit original documents and media, ICE Special Agents should return originals to the traveler immediately, barring continuing reasonable suspicion to detain.

4) Responses Required.

a) ICE Special Agents shall inform assisting agencies or entities that they are to provide results of translation and decryption as expeditiously as possible. Additionally, ICE Special Agents shall ensure that assisting agencies and non-Federal entities are aware that responses to ICE must include any findings, observations, and conclusions drawn from their review that may relate to the laws enforced by ICE.

b) If at any time an ICE Special Agent or his/her supervisor are not satisfied with the assistance being provided, the timeliness of assistance, or any other articulable reason, the demand for assistance should be revoked and the ICE Special Agent shall require the assisting agency or non-federal entity to return all documents and electronic media to ICE as expeditiously as possible.

5) Time for Assistance.

a) Assistance should be accomplished within a reasonable period of time in order to preserve the status of the documents or electronic media and the integrity of the border search.
b) It is the responsibility of the ICE Special Agent demanding the assistance to ensure timely responses from assisting agencies or entities. If a demand for assistance is made outside of the Department of Homeland Security, within the first thirty days after demanding the assistance, the ICE Special Agent demanding the assistance shall contact the assisting agency or entity for a status report on the request. If the assisting agency or entity anticipates needing more than thirty days to complete its review and analysis, the ICE Special Agent demanding the assistance shall continue to communicate with the assisting agency or entity on a regular basis until the review is complete and the results have been received. The ICE Special Agent demanding the assistance shall document each communication with the assisting agency or entity. If assisting agencies or entities are not acting in a reasonable time, the ICE Special Agent demanding the assistance shall consult with a supervisor on what action is appropriate.

c) Unless otherwise governed by a Memorandum of Understanding, or similar mechanism, each demand for assistance shall include a letter requesting assistance and detailing the context of the search requested, ICE’s legal parameters regarding the search, retention, and sharing, as well as any relevant timeframes, including those described in this section.

8.5 RETENTION, SHARING, SAFEGUARDING AND DESTRUCTION.

1) By ICE.

a) **Law Enforcement Purposes.** When ICE Special Agents determine there is probable cause of unlawful activity—based on a review of information in documents or electronic media or on other facts and circumstances—they may seize and retain the originals and/or copies of relevant documents or electronic media or relevant portions thereof, as authorized by law.

b) **Immigration Purposes.** To the extent authorized by law, ICE may retain information relevant to immigration matters in ICE record systems. Use, retention, and sharing of such information is governed by the privacy and data protection standards of the system in which such information is retained.

c) **Sharing.** Copies of documents or electronic media, or portions thereof, which are retained in accordance with this section, may be shared by ICE with Federal, state, local, and foreign law enforcement agencies in accordance with applicable law and policy.

d) **Safeguarding Data During Storage and Transmission.** ICE will appropriately safeguard information detained, copied, or seized under this directive while in ICE custody and during transmission to an outside entity. Appropriate safeguards include keeping materials in locked cabinets or rooms,
documenting and tracking copies to ensure appropriate disposition, and appropriate safeguards during transmission such as encryption of electronic media or physical protections (e.g., locked containers). Any suspected loss or compromise of information that contains personal data detained, copied, or seized under this directive must be reported immediately to the ICE Help Desk.

e) **Destruction.** Copies of documents or electronic media, or portions thereof, determined to be of no relevance to ICE will be destroyed. Such destruction must be documented by the responsible ICE Special Agent. Any originals will be returned to the traveler as expeditiously as possible at the conclusion of the negative border search.

2) **By Assisting Agencies and Non-Federal Entities.**

a) **Retention During Assistance.** All documents and electronic media, whether originals or copies, provided to an assisting Federal agency may be retained by that agency for the period of time needed to provide the requested assistance to ICE.

b) **Return or Destruction.** At the conclusion of the requested assistance, all documents and electronic media must be returned to ICE as expeditiously as possible. In the alternative, the assisting Federal agency may certify to ICE that any copies in its possession have been destroyed or it may advise ICE in accordance with Section 8.5(2)(c). In the event that any original documents or electronic media were transmitted, they must not be destroyed; they are to be returned to ICE.

c) **Retention with Independent Authority.** Copies may be retained by an assisting Federal agency only if and to the extent that it has the independent legal authority to do so—for example, when the information is of national security or intelligence value. In such cases, the retaining agency must advise ICE of its decision to retain certain information on its own authority. In the event that any original documents or electronic media were transmitted, the assisting Federal agency may make a copy for its retention; however, any originals must be returned to ICE.

8.6 **Non-Federal Entities.**

1) ICE may provide copies of documents or electronic media to an assisting non-federal entity, such as a private language translation or data decryption service, only for the period of time needed by that entity to render the requested assistance.

2) Upon the completion of assistance, all copies of the information in the possession of the entity must be returned to ICE as expeditiously as possible.
8.7 Review and Handling of Certain Types of Information:

1) Attorney-Client Privilege.

a) Occasionally, an individual claims that the attorney-client privilege prevents the search of his or her information at the border. Although legal materials are not necessarily exempt from a border search, they may be subject to special handling procedures.

b) Correspondence, court documents, and other legal documents may be covered by attorney-client privilege. If ICE personnel suspect that the content of such a document may constitute evidence of a crime or otherwise pertain to a determination within the jurisdiction of ICE, the officer must seek advice from the ICE Office of the Chief Counsel or the appropriate U.S. Attorney’s office before conducting a search of the document.

2) Sealed Letter Class Mail.

a) Border searches of mail are governed by particularized law and policy. See 19 C.F.R. Part 143; 19 U.S.C. § 1583. Any possible border search of letter class mail (“LC”) shall be coordinated with CBP Officers assigned to such international mail facility and must conform to the guidelines set forth in CBP Handbook 3200-06A, International Mail Operations and Enforcement Handbook, or any successor document. Additionally, the U.S. Postal Service requires that it be notified and present at any border search of LC mail. Consultation with the ICE Office of Chief Counsel or the local U.S. Attorney’s Office is recommended when considering a border search of any article that may be considered mail.

b) Letters carried by individuals or private carriers such as DHL, UPS, or Federal Express, for example, are not considered to be mail, even if they are stamped, and thus are subject to border search as provided in this Directive. See 19 C.F.R. § 145.3.

3) Business Information. If, in the course of a border search, ICE personnel encounter business or commercial information, ICE personnel shall treat such information as business confidential information. Depending on the nature of the information presented, the Trade Secrets Act, the Privacy Act, and other laws may specifically govern or restrict handling of the information, including criminal penalties for unauthorized disclosure.

4) Identification and travel documents. Even without any suspicion of illegality, for legitimate, government purposes, ICE personnel may copy, retain, and share:
(1) identification documents such as United States or foreign Passports, Certificates of Naturalization, Seaman’s Papers, Airman Certificates, driver’s licenses, state identification cards, and similar governmental identification documents, and
(2) travel documents that relate to the person's mode and date of travel into or out of the United States.

9. ATTACHMENTS. None.

10. NO PRIVATE RIGHT STATEMENT. This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States, its departments, agencies, or other entities, its officers or employees; or any other person.

Approved

Julie L. Myers
Assistant Secretary
Appendix D
Appendix B

SUMMARY OF LAWS AND REGULATIONS ENFORCED BY CBP

TITLE 7 - AGRICULTURE


CBP assists in the administration of these provisions, which set uniform standards for the classification of cotton to be used in determining duties and taxes, and provide for the inspection and sampling of cotton. 19 C.F.R. § 151.83 (2005) provides for the method of sampling and 19 C.F.R. § 151.84 (2005) the determination of staple length. 7 C.F.R. § 28.180 (2005) sets forth the information that the government must include in a memorandum that explains the classification of the cotton. 19 C.F.R. § 151.82 (2005) requires that information needed by the Secretary of Agriculture regarding cotton be placed on the invoice.

7 U.S.C. §§ 75-87h - United States Grain Standards Act

CBP enforces the provision, which requires that all corn exported from the United States be tested for aflatoxin contamination unless the contract for exportation stipulates that aflatoxin testing is not to be conducted.


CBP enforces these provisions, which prohibit the importation of pesticides or devices that are adulterated, misbranded or otherwise violative of the Act; provide for the registration of pesticides and devices with the Environmental Protection Agency; and establish standards for labeling and classification of pesticides. See 19 C.F.R. Part 12 (2005).

7 U.S.C. §§ 281-286 - Honeybee Act

CBP enforces the prohibitions on the importation of honeybees and honeybee semen (unless the Secretary of Agriculture has determined the country of origin to be free of harmful diseases or parasites, or undesirable species or subspecies). See 7 C.F.R. Part 322 (2005), 19 C.F.R. § 12.32 (2005).

7 U.S.C. §§ 511-511r - Tobacco Inspection Act

CBP enforces these provisions, which prohibit the importation of tobacco unless the shipment is accompanied by a certificate as prescribed by the Secretary of Agriculture and the importation of tobacco that does not meet the pesticide residue requirements. See 7 C.F.R. Part 29 (2005).

7 U.S.C. §§ 581-590 - Export Apple and Pear Act

CBP enforces the prohibition on the exportation of apples or pears without a certificate issued by the U.S. Department of Agriculture. See 7 C.F.R. Part 33 (2005).

7 U.S.C. §§ 591-599 - Export Grape and Plum Act

CBP enforces the prohibition on the exportation of grapes or plums without a certificate issued by the U.S. Department of Agriculture. See 7 C.F.R. Part 35 (2005).


Pursuant to the Secretary of Agriculture's authority to establish and maintain orderly market conditions for agricultural products, CBP enforces the prohibition on the importation of tomatoes, raisins, olives, prunes, avocados, mangos, limes grapefruit, green peppers, Irish potatoes, cucumbers, oranges, onions, walnuts, dates filberts, table grapes, or eggplant that do not comply with size, grade, quality, and maturity provisions set forth by the Secretary of Agriculture, whenever a market order is in effect, and quotas or higher duty rates imposed on imported agricultural products, whenever investigation reveals that orderly market conditions require such action. 19 C.F.R. Part 132 (2005) sets forth quota mechanisms.

7 U.S.C. §§ 1380a-1380p - Subtitle E, Title III of the Agricultural Adjustment Act of 1938

CBP enforces the import restrictions on rice under these provisions, which provide for the regulation of all commerce in rice, rough and processed, by the Secretary of Agriculture. The Secretary issues certificates that establish a market quota of rice that
may be produced or imported. Unused certificates are redeemable for cash (pursuant to section 1380g) or may be used to import the quantity of rice specified in the certificate pursuant to section 1380l.

7 U.S.C. §§ 1551-1611 - Federal Seed Act

CBP enforces these provisions, which provide for the certification and labeling of plant seeds as to purity and kind or variety, and that unless specifically exempted, imported seeds must conform and be labeled as to purity and kind or variety or be prohibited from importation. See 19 C.F.R. § 12.16 (2005) and 7 C.F.R. Part 201 (2005).


CBP enforces any established wheat and wheat flour quotas for importation and exportation. Section 1642(d) calls for the forfeiture of two times the market value of the wheat imported or exported in violation of the quota. CBP assists in the enforcement of the forfeiture provisions.

7 U.S.C. § 1854 - Agreements limiting imports under surplus disposal of agricultural commodities

CBP enforces any limits on the importation of agriculture commodities or textile products per implementing executive orders.

Delegations of Authority Concerning Certain Meats, E.O. 11539, as amended by E.O. 12188

CBP enforces limitations on the importation and entry and withdrawal of meats from warehouses for consumption in the U.S. See 19 C.F.R. §§ 12.8-12.9 (2005).

Textile Trade Agreements, E.O. 11651, as amended by E.O. 11951 and 12188; (Supplemented by E.O. 12475 below)


Delegation of Authority Limiting Imports of Certain Cheeses, E.O. 11851

CBP prevents the importation into the U.S. of certain cheeses. See 19 C.F.R. §§ 12.1, 12.6 (2005).

Textile Import Program Implementation, E.O. 12475;
(Supplements E.O. 11651 above)


7 U.S.C. § 2156 - Animal Fighting Venture Prohibition

CBP enforces the prohibition on transportation in foreign commerce of animals to be used in an animal fighting venture.

7 U.S.C. § 2541 - Plant Variety Protection Act

CBP enforces this section, which provides that it shall be unlawful to import or export a novel variety of plants if it has been registered by the owner.


CBP regulates the entry of sugar into the U.S.


This section provides that each importer of honey and honey products shall remit an assessment to CBP at the time the product is imported. See 7 C.F.R. § 1240.115 (2005).


These sections provide that each importer of porcine animal, pork or pork product shall remit an assessment to CBP at the time the product is imported. See 7 C.F.R. §§ 1230.71, 1230.110 (2005).


The Department of Agriculture issues orders and regulations under this law affecting importers who import, on average, over 500,000 pounds of mushrooms annually from outside the United States. See 7 C.F.R. Part 1209 (2005).
7 U.S.C. § 6804 (j)(3)(B) - Fresh Cut Greens Promotion and Information Act of 1993

Requiring CBP to provide the PromoFlor Council, upon request, with lists of importers of cut flowers and cut greens.

7 U.S.C. § 7104(i)(5)(B) - Sheep Promotion, Research, and Information Act of 1994

CBP enforces the collection of assessments on wool importations.


This section provides that each importer of kiwifruit shall remit an assessment to CBP at the time the product is imported.

7 U.S.C. §§ 8301-8320 – Animal Health Protection Act

CBP aids in the enforcement of this statute, which provides that the Secretary of Agriculture may restrict or prohibit the importation or exportation of animals, articles, or means of conveyance in order to stop the spread of pests and diseases and to ensure the proper movement and humane treatment of livestock.


The Secretary of Agriculture regulates the transfer of certain biological agents and toxins. Certain persons possessing such toxins must be registered with the Animal and Plant Health Inspection Service. See 7 C.F.R. Part 331 (2005); 9 C.F.R. Part 121 (2005).

7 U.S.C. § 8411 – Interagency Coordination Regarding Overlap Agents and Toxins

The Secretary of Agriculture and the Secretary of Human Services are required to coordinate their regulation of overlap agents and toxins. See 7 U.S.C. § 8401; § 42 U.S.C. § 262a. CBP aids in the enforcement of such regulations. See 7 U.S.C. § 8401, above.

**TITLE 8 - ALIENS AND NATIONALITY**

Note: CBP enforces most provisions of Title 8, United States Code. Only the major provisions CBP enforces are listed below.

8 U.S.C. § 1181 - Qualifications for Admission of Aliens; Travel Control of Citizens and Aliens

CBP enforces laws requiring travel documents of persons who seek to enter the United States.

8 U.S.C. § 1182 - General Classes of Aliens Ineligible to Receive Visas and Ineligible for Admission; Waivers of Inadmissibility

CBP enforces laws that, for a variety of reasons, exclude certain aliens from admission into the United States. Among those aliens excluded are terrorists. See 8 U.S.C. § 1182(a)(5)(B).

8 U.S.C. § 1184 - Admission of Nonimmigrants

CBP enforces laws placing conditions and limitations upon the admission of nonimmigrant aliens to the United States.

8 U.S.C. § 1185 - Travel Control of Citizens and Aliens

CBP enforces this statute, which gives the President the authority to restrict the travel of citizens and aliens.

8 U.S.C. § 1187 - Visa Waiver Program for Certain Visitors

CBP ensures that persons who enter the United States under the visa waiver program fall within the parameters of that program.

8 U.S.C. § 1221 - Lists of Alien and Citizen Passengers Arriving or Departing; Record of Resident Aliens and Citizens Leaving Permanently for Foreign Country

CBP examines the arrival and departure manifests that inbound and outbound commercial vessels and vehicles are required to keep under this section of Title 8.

8 U.S.C. § 1224 - Designation of Ports of Entry for Aliens Arriving by Civil Aircraft

CBP is involved in enforcing this law, which requires
aircraft arriving in the United States from places outside thereof to land at certain ports of entry under certain conditions.

8 U.S.C. § 1225 - Inspection by Immigration Officers; Expedited Removal of Inadmissible Arriving Aliens; Referral for Hearing

This statute requires CBP officers to inspect all aliens who are applying for, or otherwise seek, admission to the United States. It specifically authorizes CBP officers to board and search vessels and conveyances on which they believe aliens are being brought into the United States. It also allows CBP Officers to make determinations regarding the admissibility of such aliens and to take appropriate action in light of such determinations.

8 U.S.C. § 1226 - Apprehension and Detention of Aliens

CBP officers are involved in identifying and detaining certain criminal aliens pursuant to this statute during the course of their inspectional duties at the ports of entry.

8 U.S.C. § 1226a - Mandatory Detention of Suspected Terrorists; Habeas Corpus; Judicial Review

CBP officers may be involved in the enforcement of this statute by identifying aliens who are suspected terrorists and detaining them pursuant to the requirements of this statute.

8 U.S.C. §§ 1281-1288 - Special Provisions Relating to Alien Crewmen

CBP officers are involved in enforcing some of the legal restrictions regarding alien crewmen.


8 U.S.C. § 1357 - Powers of Immigration Officers and Employees

CBP officers receive great authority respecting enforcement of the immigration laws from this section of Title 8, which enables them to engage in searches and seizures and to interrogate persons believed to be aliens regarding their right to be or remain in the United States in the course of their duties as immigration officers.

TITLE 12 - BANKS AND BANKING

12 U.S.C. § 95a - Importation and Exportation of Gold and Silver

CBP enforces laws relating to importation and exportation or hoarding of gold coins, silver coins and bullion during times of war or national emergency.

12 U.S.C. § 635 - Export of Nonlethal Defense Articles and Services

CBP enforces provisions regarding the export of products and services to aid in monitoring control or prevention of air, water, and ground contaminants or pollution.


CBP assists in the enforcement of this Act, which sets up recordkeeping requirements for uninsured financial institutions where the records have a high degree of usefulness in criminal, tax, or regulatory investigations and provides for civil penalties in the event of noncompliance.


This Act, while not technically enforced or administered by CBP, is considered a significant resource in investigations. The Act provides situations where financial institutions may or may not give out information regarding their clients. Section 3405 provides that records may be obtained pursuant to a subpoena if they are relevant to a legitimate law enforcement inquiry.
TITLE 13 - CENSUS


CBP collects importation and exportation statistics and furnishes this information to the Census Bureau for compilation and publication. 15 C.F.R. Part 30 (2005); 19 C.F.R. §§ 4.61, 4.63, 4.75, 4.81, 4.84, 4.87, 113.64(c), 122.71-80, and 122.143 (2005).

TITLE 15 - COMMERCE AND TRADE

15 U.S.C. § 11 - Trusts in Restraint of Trade

CBP enforces this law declaring trusts in restraint of import trade illegal by seizing and forfeiting any merchandise imported by any party found to be restraining trade.


CBP enforces these provisions, which prohibit false or deceptive labeling (misbranding) of wool products. Section 68f requires all wool products imported into the U.S. to be labeled in accordance with requirements set forth in the law. That information is also required to be in the invoices provided at the time of importation. 19 C.F.R. § 11.12 (2005) requires labeling of wool products to indicate fiber content. 16 C.F.R. Part 300 (2005).


CBP enforces these provisions, which prohibit false or deceptive labeling (misbranding) and false advertising of fur products. Section 69d requires all fur products imported into the U.S. to be labeled in accordance with the requirements set forth in the law. That information is also required to be in the invoices provided at the time of importation. 19 C.F.R. § 11.12a (2005) requires labeling of fur products to indicate composition. 16 C.F.R. Part 301 (2005).


CBP enforces these provisions, which prohibit false or deceptive labeling (misbranding) and false advertising of any textile fiber products. Section 70g requires all textile fiber products imported into the U.S. to be labeled in accordance with the requirements set forth in the law. That information is also required to be in the invoices provided for importation. 19 C.F.R. § 11.12b (2005) provides for labeling textile fiber products. 16 C.F.R. Part 303 (2005).


This Act prohibits certain foreign trade practices by certain issuers of securities and domestic concerns.


This provision, which sets uniform standard gauge for sheet and plate iron and steel is used in determining duties and taxes.


CBP enforces these provisions, which provide for uniformity in sizes of barrels of lime and barrel marking requirements for importation. 15 C.F.R. Part 240 (2005).


CBP enforces restrictions on the importation of gold or silver stamped with the words “United States Assay” or any words calculated to convey the impression that the U.S. Government has certified to the quality of such gold or silver. Section 294 prohibits the importation of such falsely marked gold or silver. 19 C.F.R. § 11.13 (2005) implements these restrictions.

15 U.S.C. §§ 717-717w - Natural Gas Act

CBP enforces these provisions on the regulation of the transporting and selling natural gas in interstate and foreign commerce. Section 717b prohibits the exportation or importation of natural gas without authorization from the Federal Energy Regulatory Commission.

CBP ensures that coal and refined petroleum product exports comply with licensing requirements.


CBP enforces this Act, which provides for the registration and enforcement of trademarks. Section 1124 prohibits the entry of merchandise that copies or simulates trade names or registered trademarks or contains false designations of origin. Section 1125 prohibits the importation of goods bearing false designations of origin or false descriptions. 19 C.F.R. Part 133 (2005).


CBP assists in the enforcement of this Act, which prohibits the transportation of any gambling device in interstate or foreign commerce except where specifically permitted. 28 C.F.R. § 8.1 (2005).

15 U.S.C. §§ 1191-1204 - Flammable Fabrics Act

Pursuant to this Act, which provides for the setting of flammability standards for fabric by the Consumer Product Safety Commission (CPSC), CBP prohibits the importation of any product which fails to conform to the applicable flammability standard.


CBP insures that imported automobiles are properly labeled.


This Act prohibits the manufacture, transportation or distribution of knives, including ballistic knives, having a blade which opens automatically by hand pressure applied to a button or by operation of inertia, gravity, or both. CBP enforces restrictions on the importation of such knives. See 19 C.F.R. §§ 12.95-12.103 (2005).


This Act, which provides the CPSC with authority to conduct investigations for the purpose of declaring substances (including toys) as hazardous, regulate the labeling of hazardous or banned substances, and investigate violations thereof, requires CBP to deliver, upon request, to the CPSC samples of hazardous substances that are being imported or attempted to be imported. If the CPSC determines that the hazardous substance is misbranded or banned, its admission into the U.S. shall be refused by CBP. See 16 C.F.R. § 1500.265 - 1500.272 (2005); 21 C.F.R. § 1230.40 (2005); 19 C.F.R. § 12.1 (2005).


CBP assists in the enforcement of this Act, which prohibits the manufacture, importation, or package for sale within the United States of any cigarettes that fail to bear the Surgeon General warning label. Cigarettes for export are exempt from the labeling requirement.


This Act, which prohibits the unfair and deceptive packaging and labeling of consumer commodities and provides the Secretary of HHS and the FTC with authority to promulgate regulations concerning labeling requirements, provides that, for imports, the CBP will enforce those regulations. See 21 C.F.R. Part 101, Part 701 (2005); 16 C.F.R. § 500 (2005).


CBP makes sure that imported products are labeled correctly.


CBP assists in the enforcement of this Act, which provides for the establishment of the Consumer Products Safety Commission (CPSC) and the setting of consumer product safety standards. The CPSC has the authority to issue an order prohibiting the importation, and refuse admission, of products that it determines are in violation of the CPSC standards. (Sections 2064 and 2066). Products solely for export are exempted from the CPSC standards. See 16 C.F.R. Part 1500 (2005).

CBP enforces import restrictions under this Act, which prohibits the manufacture or importation of political items, coins, and other numismatic items which do not meet specified marking requirements. See 16 C.F.R. §§ 304.1-304.6 (2005).


Under this Act, which provides for the regulation of toxic substances by the Environmental Protection Agency (EPA), CBP prohibits the entry of any chemical substance that violates EPA’s standards. Treasury, in consultation with EPA, promulgated regulations to enforce the entry ban. See 19 C.F.R. §§ 12.118-127 (2005).


CBP assists in the enforcement of this Act, which prohibits the manufacture, importation, or package for sale within the United States of any smokeless tobacco product that fails to bear the Surgeon General warning label. See 16 C.F.R. Part 307 (2005).


CBP enforces this section, which provides that the exports of materials, equipment and technology developed through a federal grant by the consortium of U.S. semiconductor firms (Sematech) shall be subject to the Export Administration Act of 1979 (50 U.S.C. App. § 2401).

**TITLE 15 - CODE OF FEDERAL REGULATIONS**

15 C.F.R. PARTS 730-774 (2005) Export Administration Regulations


Executive Order 12981

Establishes license determination and review procedures for exports covered under 15 C.F.R. Parts (listed immediately above).

Executive Order 12938 (November 1994)

CBP assists Commerce in the control of exports that would assist a country in acquiring the capability to develop or use weapons of mass destruction.

**TITLE 16 - CONSERVATION**

16 U.S.C. §§ 470aa - 470ll - *Archaeological Resources Protection Act of 1979*

CBP enforces this Act, which prohibits the exportation of any archaeological resource excavated, removed, sold, purchased, exchanged, transported or received in violation of any state or local law.


CBP enforces the prohibition on the exportation of unprocessed timber originating from certain federal, state or other public lands.

16 U.S.C. §§ 668a-668d - *Bald Eagle Protection Act*

CBP enforces the prohibition on the transportation of bald eagles and golden eagles except as authorized by Interior. See 19 C.F.R. § 12.26 (2005); 50 C.F.R. Part 10 (2005).


CBP enforces the provisions of this treaty proscribing the importation of migratory birds or products relating thereto if obtained in violation of the laws of any province of the Dominion of Canada from which taken. See 50 C.F.R. Parts 10, 14, 15, 16, 20 and 21 (2005) and 19 C.F.R. § 12.26 (2005).

16 U.S.C. §§ 742a-742d; 742e-742j-1 - *Fish and Wildlife Act of 1956*


CBP enforces this Act dealing primarily with catching, attempting to catch, or importing halibut.

16 U.S.C. §§ 781-785 - Sponge Act

CBP enforces provisions of this law, which prohibits possession in commerce of sponges below a certain size.


CBP enforces prohibitions against the importation or exportation of whale or whale products. See 19 C.F.R. § 12.30 (2005).


CBP denies entry of unlawfully imported tuna.

16 U.S.C. §§ 971-971i - Atlantic Tunas Convention

CBP in cooperation with the Coast Guard and the Secretary of Commerce is responsible for enforcement including restricting the entry of certain fish.

16 U.S.C. §§ 972-972h - Eastern Pacific Tuna Fishing

CBP in cooperation with the Coast Guard and the Secretary of Commerce is responsible for enforcement including restricting the entry of certain fish.

16 U.S.C. § 973 - South Pacific Tuna Fishing

CBP, in cooperation with the Coast Guard and the Secretary of Commerce is responsible for enforcement including restricting the entry of certain fish.


CBP enforces the prohibition against the importation of yellowfin tuna or yellowfin tuna products under certain conditions.


CBP enforces the prohibitions against importation into or exportation from the United States of any endangered species, unless an exemption is granted. 19 C.F.R. § 12.26 (2005).


CBP enforces the prohibition against fishing by foreign vessels in U.S. waters and in contiguous fisheries zone, including provisions relating to the transportation in foreign commerce of certain lobsters.

16 U.S.C. §§ 1826a-1826c - High Seas Driftnet Fisheries Enforcement Act

CBP denies port privileges to certain large-scale driftnet fishing vessels.


CBP enforces the prohibition against importation, absent a special permit, of any flora or fauna native to Antarctica into the United States.


CBP enforces the prohibition on the importation and exportation of any fish, wildlife or plants contrary to this Act. See 50 C.F.R. §§ 10.1-10.22 (2005).

CBP enforces prohibitions on the importation and exportation of raw ivory.  


CBP enforces the prohibition on the importation of certain exotic birds.  


CBP enforces export or sale of “any product item or substance intended for human consumption or application containing, labeled or advertised as containing” rhinoceros or tiger parts.

**TITLE 17 - COPYRIGHTS**

17 U.S.C. §§ 101-120 - Copyright Acts  


CBP enforces this Act, which excludes articles that infringe the rights of mask work owners.


Prohibits the importation of certain digital audio recording devices or digital audio interface devices.

17 U.S.C. 1201-1205 - Copyright Protection and Management Systems  

CBP enforces this Act, which prohibits the importation of material containing false copyright management information, as well as any equipment capable of removing or altering copyright management information from existing audio or video copyrighted material.


CBP enforces this Act, which prohibits the importation of an original design or useful article without the designer’s consent once he has registered it with the Copyright Office, Library of Congress.

**TITLE 18 - CRIMES AND CRIMINAL PROCEDURE**


CBP enforces the provisions of this Act. ** See Popular Name listing for section references.

18 U.S.C. § 7 - Anti-Terrorism and Effective Death Penalty Act  

Part of this Act extended the territorial sea to twelve miles for purposes of Federal criminal jurisdiction only. The sea borders of the United States and Puerto Rico remain unaffected by this expansion.

18 U.S.C. § 38 – Fraud Involving Aircraft or Space Vehicle Parts in Interstate or Foreign Commerce  

CBP aids in the enforcement of this statute, which prohibits the actual or attempted introduction, importation and exportation of aircraft, space vehicles, and parts thereof by certain fraudulent means.

18 U.S.C. §§ 42, 46-47 - Importation of Animals, Birds, Fish and Plants  


CBP enforces this provision, which prohibits the shipment in foreign commerce of any depiction of animal cruelty.

18 U.S.C. §§ 111-115 - Assaults on Federal Officers
CBP reports to U.S. attorneys any assaults or threats thereof on federal officers or members of their immediate family.


CBP aids in the enforcement of this act which prohibits, among other things, restricted persons (including certain aliens) from possessing, or from shipping or transferring in interstate or foreign commerce, certain biological agents and toxins (18 U.S.C. § 175b).


CBP attempts to detect violations of law pertaining to bribery of CBP officers.

18 U.S.C. §§ 229-229F – Chemical Weapons

CBP aids in the enforcement of these statutes, which prohibit, among other things, the acquisition, possession and transfer of chemical weapons and provide for limited extraterritorial jurisdiction.

18 U.S.C. § 286 - Conspiracy to Defraud

CBP enforces this criminal provision with regard to conspiracy to defraud CBP by any false, fictitious or fraudulent claim. (See also 18 U.S.C. § 371, general conspiracy statute)

18 U.S.C. § 287 - False, Fictitious or Fraudulent Claims

CBP enforces this provision pertaining to the presentation of any claim upon or against the United States knowing that the claim is false, fictitious or fraudulent.

18 U.S.C. §§ 471-510 - Importation of Counterfeit or Forged Obligations or Securities

CBP enforces the law prohibiting the importation of counterfeit obligations, securities, coins, currency, CBP forms, ships' papers, and the plates or stones for counterfeiting the same. 19 C.F.R. § 12.48 (2005).


CBP enforces these provisions relating to altered or removed motor vehicle identification numbers.

18 U.S.C. § 541 - Entry of Goods Falsely Classified

CBP enforces this provision, which prescribes a penalty for falsely classifying goods upon entry as to weight, measure, quality or value.

18 U.S.C. § 542 - Entry by Means of False Statements

CBP enforces this law, which prescribes a penalty for the entry or introduction into the commerce of the United States any merchandise by means of false statements, documents or practices.


CBP enforces this criminal sanction with prohibits any revenue officer from entering goods upon payment of less than legal duty.


CBP enforces this criminal law, which penalizes the party involved and allows for forfeiture of any goods entered or withdrawn for exportation without payment of duties thereon or with the intent to obtain a drawback of duties paid and later relanded in the United States without entry.

18 U.S.C. § 545 - Smuggling Goods into the United States

CBP enforces this sanction prohibiting the smuggling of merchandise into the United States or importing merchandise into the United States contrary to law. CBP also forfeits merchandise introduced in violation of this statute.

18 U.S.C. § 546 - Smuggling Goods into Foreign Countries

CBP enforces this prohibition against the smuggling of goods into foreign countries by U.S. vessels, citizens, etc., on the basis of reciprocity.


CBP enforces this criminal statute, which prohibits receiving or depositing any merchandise in any building upon the boundary line between the United States and any foreign country in violation of law.

18 U.S.C. § 548 - Removing or Repacking Goods in Warehouses
CBP enforces this statute, which makes criminal the concealment, removal or repacking of merchandise in any bonded warehouse or the fraudulent alteration of any marks thereon.

18 U.S.C. § 549 - Removing Goods from Customs Custody; Breaking Seals

CBP enforces this criminal statute, which prohibits the unauthorized attachment or removal of a CBP seal, the removal or attempted removal of bonded merchandise from CBP custody, and the receipt or transportation of any such merchandise unlawfully removed.


CBP enforces this statute, which provides penalties for any false or fraudulent entry or claim for the payment of drawback, allowance, or refund of duties upon the exportation of merchandise.

18 U.S.C. § 551 - Concealing or Destroying Invoices or other Papers

CBP enforces this criminal provision, which prohibits the destruction or concealment of any papers related to the importation of merchandise into the United States.

18 U.S.C. § 552 - Officers Aiding Importation of Obscene or Treasonous Books and Articles

CBP enforces the prohibition on any officer of the United States aiding in the importation of obscene or treasonous books or articles.

18 U.S.C. § 553 - Stolen Motor Vehicles

CBP enforces this law pertaining to the importation or exportation of stolen motor vehicles, vessels, aircraft and other mobile equipment.

18 U.S.C. § 641 - Public Money, Property, or Records

CBP enforces this criminal statute, which prohibits theft, receipt, concealment or retention of any United States property stolen from CBP custody.

18 U.S.C. § 659 - Interstate or Foreign Shipments by Carrier

CBP aids in the enforcement of this statute, which prohibits the theft or embezzlement of goods from foreign shipment of carriers and the receipt or possession of stolen or embezzled goods.

18 U.S.C. § 758 - High Speed Flight from Immigration Checkpoint

CBP enforces this law, which prohibits fleeing or evading a checkpoint operated by any federal law enforcement agency (e.g., the Border Patrol) in excess of the legal speed limit.

18 U.S.C. §§ 831, 832, 836 - Dangerous Cargo Act


18 U.S.C. §§ 841-848 - Importation of Explosive Materials

CBP aids in the enforcement of this criminal statute, which requires a license for the importation of explosives.

18 U.S.C. § 911 - Citizen of the United States

CBP enforces the law prohibiting persons from falsely and willfully representing themselves as citizens of the United States.

18 U.S.C. §§ 912-917 - False Personation

CBP enforces these laws relating to impersonating a Federal officer.

18 U.S.C. §§ 921-929 - Gun Control Act


18 U.S.C. § 930 - Possession of Firearms and Dangerous Weapons in Federal Facilities

CBP officers can enforce this statute in POEs and other CBP facilities that are posted in accordance with subparagraph (h).

18 U.S.C. § 955 - Foreign Securities Act

CBP enforces laws designed to prevent importation of counterfeit coins, stamps and similar items.

CBP enforces the provisions of law regulating a vessel's departure and the prohibitions against exportation of armed vessels, arms, liquor and narcotics.


CBP's civil and criminal forfeiture authorities regarding money-laundering violations (see 18 U.S.C. § 1956), monetary instrument reporting violations (see 31 U.S.C. § 5316), and terrorist activity.

18 U.S.C. §§ 1001-1007, 1010-1032 - False and Fraudulent Statements

CBP enforces the provisions of law that relate to false or fraudulent statements made to defraud the United States, including those relating to identification documents (18 U.S.C. § 1028).

18 U.S.C. §§ 1073, 1074 - Flight to Avoid Prosecution

CBP may be involved in the apprehension of persons traveling in interstate or foreign commerce in order to avoid prosecution.

18 U.S.C. §§ 1081-1084 - Gambling Ship Act

CBP enforces this provision, which prohibits the transportation between ship and shore or passengers to or from a gambling ship not within the jurisdiction of any state.

18 U.S.C. §§ 1091-1093 - Genocide

CBP may be involved in apprehending persons who have committed the crime of genocide.

18 U.S.C. § 1263 - Marks and Labels on Packages of Liquor

CBP enforces these provisions, which provide for a fine or imprisonment for those who knowingly ship into the U.S. any unmarked or labeled package of liquor, and the seizure and forfeiture of any such liquor. See also 18 U.S.C. § 3615; 21 U.S.C. § 342(d); 27 U.S.C. §§ 201-219a; 19 C.F.R. §§ 12.37-12.38 (2005); 27 C.F.R. § 251, Parts 1, 4-7 (2005).

18 U.S.C. § 1301 - Importing or Transporting Lottery Tickets

CBP enforces this provision, which prohibits the importation or transportation in interstate or foreign commerce of any lottery ticket.

18 U.S.C. §§ 1341-1346 - Mail Fraud

CBP enforces these provisions relating to mail and wire fraud.

18 U.S.C. § 1423-1429 - Documents Relating to Citizenship or Naturalization

CBP may be involved in apprehending persons who use false or otherwise unlawful documents relating to citizenship or naturalization.

18 U.S.C. §§ 1462, 1465 - Importation or Transportation of Obscene Matters

CBP enforces these provisions, which prohibit the importation or transportation into the United States of any obscene material.

18 U.S.C. §§ 1542-1546 - Fraud, False Statements and Misuse Involving Passports, Visas, and Other Documents

CBP may be involved in the apprehension of persons who misuse passports, visas, and certain other documents related to international travel.

18 U.S.C. §§ 1582-1592 - Slavery and Peonage

CBP may be involved in apprehending those who engage in the slave trade, bring people out of the United States to serve as slaves, are implicated in sex trafficking of children by certain means, or are guilty of offenses relating to immigration documents or other government identification documents relevant to such violations.

18 U.S.C. § 1699 - Certification of Delivery from Vessel

CBP enforces this provision of law, which requires that no vessel shall break bulk or make entry until all letters on board are delivered to the nearest post office.

18 U.S.C. § 1715 - National Firearms Act

CBP makes sure that all imported explosive, munitions of war, firearms and ammunition are covered by an ATF permit.

CBP enforces these provisions, which prohibit knowingly transporting into the United States goods or merchandise made by prisoners from any foreign country. 19 C.F.R. § 12.45 (2005).

18 U.S.C. § 1912 - Acceptance of Fees

Acceptance of any fee or reward, relative to inspection of vessels is prohibited unless allowed by law.

18 U.S.C. § 1915 - Compromise of Customs Liabilities

CBP enforces this provision of law, which prohibits an officer of the U.S., without lawful authority, to compromise, or abate any claim of the U.S. arising under the customs laws.


CBP aids in the enforcement of these criminal statutes pertaining to racketeering.


CBP enforces these provisions directed at illegal financial transactions and international transportation of funds.

18 U.S.C. § 2117 - Breaking or Entering Carrier Facilities

CBP assists in enforcing this provision, which prohibits the breaking or entering of sealed or locked carrier facilities.

18 U.S.C. § 2119 - Motor Vehicles

CBP enforces this provision, which prohibits, while possessing a firearm, the taking of a motor vehicle from a person or their presence by force and violence or by intimidation that has been transported, shipped or received in interstate or foreign commerce.

18 U.S.C. § 2199 - Stowaways on Vessels or Aircraft

CBP enforces this statute, which prohibits individuals from obtaining transportation aboard an aircraft or vessel without the owner or master’s consent.

18 U.S.C. § 2231 - Assault or Resistance to Serving and Executing a Search Warrant

CBP enforces this provision of law, which provides for a monetary penalty and/or imprisonment for forcibly assaulting, resisting, opposing or preventing the service or execution of a search warrant.

18 U.S.C. § 2232 - Destruction or Removal of Property to Prevent Seizure

CBP enforces this provision of law, which prohibits the destruction or removal of property to prevent seizure.

18 U.S.C. § 2233 - Rescue of Seized Property

CBP enforces this provision of law, which prohibits the rescuing of property that has already been seized.


CBP enforces provisions forbidding the shipment of material relating to the sexual exploitation of minors.

18 U.S.C. §§ 2274, 2275, 2276 - Destruction of Vessels Within the Admiralty and Maritime Jurisdiction of the U.S.

CBP enforces these provisions of law, which prohibit the destruction, misuse, tampering, or breaking and entering of any vessel.

18 U.S.C. § 2277 - Explosives or Dangerous Weapons Aboard Vessels

CBP enforces this prohibition against the existence of explosives and dangerous weapons aboard vessels. See 46 U.S.C. § 170.

18 U.S.C. § 2279 - Boarding Vessels Before Arrival

CBP enforces this provision of law, which prohibits unauthorized persons from boarding vessels before they are actually moored, when they are about to arrive at their place of destination.


CBP enforces these provisions under 19 U.S.C. §§ 1431, 1484, and 1526.
18 U.S.C. §§ 2312, 2313 - Transportation, Sale or Receipt of Stolen Vehicles

CBP enforces these provisions prohibiting the transportation, sale or receipt of stolen vehicles or aircraft.

18 U.S.C. §§ 2314, 2315 - Stolen Property

CBP aids in the enforcement of these provisions prohibiting the transportation of stolen articles in interstate or foreign commerce.

18 U.S.C. §§ 2316-2317 - Transport, Sale, or Receipt of Livestock

CBP enforces provisions regarding transportation of stolen livestock.

18 U.S.C. § 2318 - Trafficking in Counterfeit Labels

CBP aids in the enforcement of these provisions regarding counterfeit phonorecord labels, copies of motion pictures and other audiovisual works.

18 U.S.C. § 2319 - Criminal Infringement of a Copyright

CBP enforces provisions concerning copyright infringement.

18 U.S.C. § 2319A - Counterfeit Recordings

CBP enforces provisions concerning counterfeit "pirate" recordings and videos.

18 U.S.C. § 2320 - Trafficking in Counterfeit Goods or Services

CBP enforces this statute prohibiting trafficking of counterfeit goods or services.

18 U.S.C. § 2331-2339C - Terrorism

CBP enforces laws prohibiting terrorism by apprehending terrorists and those who aid them.

18 U.S.C. §§ 2421-2427 - Travel and Transportation to Engage in Sexual Activity with Minors

CBP enforces laws prohibiting the travel or transportation of persons for purposes of engaging in sexual activity with minors, including certain acts and the use of certain documents that facilitate such violations.

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**TITLE 19 - CUSTOMS DUTIES**

Note: CBP enforces most provisions of Title 19, United States Code. Only the major provisions CBP enforces are listed below. 103 P.L. 182. North American Free Trade Agreement Implementation Act, which extensively amended Title 19 concerning trade between Mexico, Canada. The U.S. Uruguay Round Agreements Act (GATT), amending Title 19 concerning countervailing duties (§§ 1671c, 1671e, 1673c, 1673e); review of anti-dumping determinations (§§ 1504, 1516a, 1675 and 1675a); investigations of violations in this area (§ 1677f); unfair trade practices (§§ 1337, 1368, 1446, 1659); textile transshipments (§ 1592a); liquidation/reliquidation under Generalized System of Preferences (§§ 2461 note, 2465); reimbursements from customs user fee account (§ 58c); and criminal penalties for trafficking in "pirate" recordings or videos (18 U.S.C. § 2319A). Also, the Miscellaneous Trade and Technical Corrections Act of 1996 amended Title 19. See Popular Names listing for section references.

19 U.S.C. §§ 3, 66 - Delegation of Authority

The Secretary of the Treasury shall delegate to CBP the authority to enact the necessary rules in order to carry out the task of collecting duties.

19 U.S.C. §§ 58a-58c - Fees for Services of Customs Officers

This provision enables CBP to collect fees on arriving vessels and to cover the costs of services furnished by CBP officers.


CBP may acquire land and erect buildings along the Canadian and Mexican borders, and in the U.S. Virgin Islands and Guam, to aid in the enforcement of customs and immigration laws; CBP also may erect protective gates across international highways and roads crossing the border as may be necessary to prevent unlawful entry or smuggling.
19 U.S.C. § 70 - Obstruction of Revenue Officers by Masters of Vessels

CBP enforces this statute, which prohibits the master of a vessel from obstructing or hindering any revenue officer from boarding a vessel to enforce the revenue or navigation laws of the United States.

19 U.S.C. §§ 81a-81u - Foreign Trade Zones

CBP controls access to, and acts within, foreign trade zones. Such zones are created pursuant to this statute to allow foreign goods to be manufactured or manipulated in the United States without being “admitted” into the customs territory of the United States. 19 C.F.R. Part 146 (2005); 15 C.F.R. Part 400 (2005).


CBP enforces certain prohibitions against importation of goods by the use of other than U.S. or country of origin vessels.

19 U.S.C. § 482 - Search of Vehicles and Persons

This provision gives CBP officers the authority to stop, search, and examine any vehicle, beast, or person entering the United States.

19 U.S.C. § 507 - Officers to Make Character Known

CBP officers are given the authority to demand the assistance of any person, when necessary, to help the officer in carrying out his duties.


CBP enforces all laws relating to assessment and collection of duty, protection of the revenue, entry of vessels, clearance of passengers, exclusion of prohibited merchandise, and regulation of customhouse brokers.


CBP enforces this Act, which prohibits the importation into, or exportation from the United States of any dog or cat fur product.


CBP enforces the provisions of this act. See also 18 U.S.C. § 2311 note.

19 U.S.C. § 1484(f) - Statistical Enumeration

CBP and Commerce are responsible for collecting and insuring the accuracy of export documentation for statistical purposes.

19 U.S.C. §§ 1701-1711 - Anti-Smuggling Act

CBP is provided with special enforcement authority to cope with smuggling.


CBP enforces this Act relating to the entry of merchandise intended for exhibition or for use in constructing, installing, or maintaining foreign exhibits at designated trade fairs.


This Act authorizes rates of duty and changes in rates of duty to carry out obligations under international trade agreements to which the United States is a party.


CBP insures that products claimed to be duty free under this Act are bona-fide products of Canada and are actually used in the manufacture of original automotive equipment.

19 U.S.C. § 2081 - Undercover Investigative Operations of the Customs Service

CBP authority to conduct undercover operations subject to certain statutory exemptions and procedures is codified under this law.

19 U.S.C. §§ 2091-2095 - Importation of Pre-Columbian Art

CBP enforces the provisions requiring that all importations of Pre-Columbian Art be accompanied by a certificate from the country of origin certifying that such exportation was lawful.

CBP, under this Act, is given additional enforcement responsibilities with respect to antidumping, countervailing duties, and unfair import practices. In addition, CBP is given the responsibility of administering a generalized system of preferences applicable to developing nations.


CBP enforces the provisions of agreements or determinations made under this law.


CBP enforces the provisions, which prohibit and prevent illicit importations of cultural property.


CBP administers the provisions of this Act, which permit duty-free treatment for eligible articles from certain Caribbean Basin nations.


CBP administers this Act, which implements the nomenclature established by the International Convention on the Harmonized Commodity Description and Coding System.


CBP insures that articles claimed to be duty-free from Bolivia, Ecuador, Columbia and Peru meet the necessary standards.


CBP enforces this Act, which adopts the duty preferences of the U.S.-Canada Free Trade Agreement. See also 19 U.S.C. §§ 1508(b)-(d) and 19 C.F.R. §§ 10.301-10.311, Part 24 (2005) and Part 148 (2001).

**TITLE 21 - FOOD AND DRUGS**

21 U.S.C. §§ 61-64 - Filled Milk Act

It is unlawful to manufacture, ship or deliver filled milk for shipment in interstate or foreign commerce. The Department of Agriculture regulations are enforced by CBP.

21 U.S.C. §§ 101-105 - Importation of Cattle and Quarantine

This Act provides for suspension of importation of animals to prevent the spread of disease, and for the quarantine of prohibited classes of animals. Importation of all animals described by the Act is prohibited except at certain designated ports. All animals are to be inspected upon import or export. CBP approves the designation of ports in quarantine and is authorized to enforce Department of Agriculture regulations. See 9 C.F.R. Parts 91-96 (2005); 19 C.F.R. § 12.24 (2005).

21 U.S.C. § 113a - Foot-and-Mouth Disease Act

This Act authorizes the study of animal disease and prohibits introduction of live foot and mouth disease virus into the United States except under certain defined circumstances. CBP enforces Agriculture restrictions and regulations.

21 U.S.C. §§ 141-149 - Import Milk Act

This Act restricts the importation of unfit milk and cream by means of a system of permits and inspections. CBP enforces the regulations of the Department of Health and Human Services by refusing to permit the importation of any milk or cream that is not tagged in accordance with such regulations. See 19 C.F.R. § 12.7 (2005); 21 C.F.R. Part 1210 (2005).

21 U.S.C. §§ 151-159 - Virus-Serum-Toxin Act


This Act prohibits deceptive practices and regulates the manufacture, sale and importation or exportation of food, drugs and cosmetics. See 21 U.S.C. §§ 331, 381, 382. CBP enforces the regulations of the Secretary of Health and Human Services and the Secretary of the Treasury by regulating the release of the foregoing products and/or their exportation. See 19 C.F.R. Part 12 (2005); 21 C.F.R. §§ 1.83-1.99 (2005). See also MOU between FDA and Customs Service, October 1, 1980.

21 U.S.C. §§ 451-470 - Poultry Products Inspection Act

This Act provides standards for inspection, packaging and sale of poultry and poultry products and prohibits the importation of slaughtered poultry not in compliance with prescribed standards and regulations. CBP enforces the regulations of the Department of Agriculture by refusing to permit the importation of nonconforming poultry. See 9 C.F.R. Part 381 (2005).


This Act provides standards for inspection, packaging and sale of meat and meat products and prohibits the importation of adulterated, misbranded or improperly slaughtered meat. CBP enforces the prohibition against the importation of such products in violation of the regulations of the Department of Agriculture and the prohibition against the clearance of vessels carrying cattle and other animals without an inspector’s certificate. See 19 C.F.R. §§ 12.8-12.9 (2005); 19 U.S.C. § 1306; 9 C.F.R. Part 327 (2005).

21 U.S.C. §§ 801-971 - Controlled Substances Act

This Act prohibits the manufacture, distribution, dispensing or improper possession or use of controlled substances, except as provided in the Act; provides for registration of legitimate manufacturers; provides for penalties and forfeiture of profits derived from continuing criminal enterprises; and forfeiture of conveyances used to or facilitating the transport, sale etc., of controlled substances. (CBP officers cross-designated by the Attorney General pursuant to 21 U.S.C. § 873(b) are authorized to conduct any investigations, seizures or forfeitures under this Act).


CBP enforces the provisions of this Act.


This Act prohibits the importation and exportation of certain chemicals used to manufacture a controlled substance as well as forfeiture of these chemicals, all drug manufacturing equipment, all tableting machines, all encapsulating machines and all gelatin capsules, which have been imported, exported in violation of this law. See 21 C.F.R. §§ 1310.02, 1310.08; 1313.14, 1313.23 (2005).

21 U.S.C. § 863 - Mail Order Drug Paraphernalia Control Act

This Act is enforced by CBP and prohibits the import/export of drug paraphernalia; provides for imprisonment or fine; and authorizes seizure or forfeiture.

21 U.S.C. §§ 951-971 - Controlled Substances Import and Export Act

This Act prohibits the importation, or exportation of controlled substances except as provided in the Act; prohibits manufacture or distribution for purposes of unlawful distribution; prohibits illegal manufacture, distribution and possession on board vessels arriving in or departing from U.S.; and requires registration and permits to import or export controlled substances. Pursuant to 21 C.F.R. § 1312.27 (2005) registered importers and exporters must file permits and declarations with the CBP District Director at the port of import or export, who then forwards them to the appropriate DEA office. (CBP officers cross-designated by the Attorney General pursuant to 21 U.S.C. § 873(b) are authorized to conduct any investigations, seizures or forfeitures under this Act).

21 U.S.C. §§ 967-969 - Investigations, Oaths, Subpoenas, etc.

This Act authorizes the Secretary of the Treasury to subpoena witnesses, compel testimony, etc., in connection with any investigation necessary to the enforcement of 18 U.S.C. § 545 with respect to controlled substances; and provides for contempt proceedings.

21 U.S.C. §§ 1031-1056 - Egg Products Inspection Act
Section 1046 prohibits the importation of certain restricted eggs (including "dirties" "incubator rejects" and "leakers") except as authorized by the Secretary of Agriculture; 7 C.F.R. §§ 57.900-57.970 (2005) provides for CBP to enforce regulations regarding inspection, labeling, certification, detention, sealing, movement under bond, etc., of imported eggs.

**TITLE 22 - FOREIGN RELATIONS**

22 U.S.C. §§ 254a-254e; 256-258a - Diplomatic Relations Act

CBP accords diplomatic immunity to members of missions from foreign nations and their families in compliance with the Vienna Convention on Diplomatic Relations.

22 U.S.C. § 287c - United Nations Participation Act of 1945 (UNPA) [Iraq, Libya, UNITA, Serbia & Montenegro and Bosnia]

This Act provides CBP with authority for the enforcement of certain economic sanctions including fines and imprisonment.

22 U.S.C. § 288b - Baggage and Effects of Officers and Employees of International Organizations and Foreign Governments

Baggage and effects of alien officers and employees of international organizations are exempt from customs duties. 19 C.F.R. § 148.81 (2005).


This Act authorizes CBP to seize and forfeit arms, munitions of war, and other articles exported in violation of law. 22 C.F.R. Part 127 (2005).


CBP enforces this section, which prohibits any foreign flag vessel from using a U.S. flag or such distinctive markings. See 19 C.F.R. § 4.61 (2005).

22 U.S.C. § 464 - Detention by Collectors of Customs

CBP enforces this provision, which requires the detention of any vessel built for warlike purposes that is about to depart the United States.

22 U.S.C. §§ 611-621 - Foreign Agents Registration Act of 1938, as amended

CBP enforces this Act, which restricts and sets guidelines for the importation of political propaganda. 28 C.F.R. Part 5 (2005).

22 U.S.C. § 1978 - Restriction on Importation of Fishery or Wildlife Products

CBP enforces the prohibition on the importation of fish products or wildlife products from countries that have been found to violated international fishery, endangered or threatened species programs.

22 U.S.C. § 2291(c)(1) - Prohibition on Participation in Police Arrest Action in any Foreign Country with Respect to Drug Violations

Subject to certain exceptions, no CBP officer may engage or participate in any direct police action in any foreign country with respect to narcotics control efforts, and other restrictions apply to certain enforcement activities.

*International Narcotics Control Corrections Act of 1994,* amending 22 U.S.C. § 2291 concerning the use of herbicides for aerial eradication, and also *NATO Participation Act of 1994*, providing for a program to assist the transition to NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other "Partnership for Peace" countries, i.e., such as those not supporting international terrorism.


CBP assists in the enforcement of this provision, which prohibits the licensing for export of crime control and detection instruments and equipment to countries that engage in violations of internationally recognized human rights.


Provides for criminal penalties of $500,000 per count against corporations, and ten years imprisonment and/or $250,000 per count for individuals, for willful violations relating to terrorist activities.
22 U.S.C. §§ 2349aa-8 - Prohibition on Imports from and Exports to Libya

CBP enforces this law, which provides for the limitation of importations from and exports to Libya.

22 U.S.C. §§ 2349aa-9 - Ban on Imports from Countries Supporting Terrorism

CBP enforces this restriction on imported goods from countries supporting terrorism. See Title 50 U.S.C.

22 U.S.C. § 2370(a) - Embargo on Trade - Cuba

CBP polices the embargo on all trade with Cuba unless deemed by the President to be in the national interest.

22 U.S.C. § 2371 - Prohibition on Assistance to Countries Supporting International Terrorism

CBP assists in the enforcement of this section, which prohibits the licensing for export of products to countries that grant sanctuary to international terrorists.

22 U.S.C. § 2459 - Immunity from Seizure of Cultural Objects Imported for Temporary Exhibition

CBP administers this law, which exempts from seizure any archaeological or ethnological material or any article of cultural property that is imported into the United States for temporary exhibition or display if specially designated under the Act.

22 U.S.C. § 2778 - Arms Export Control Act

CBP enforces this Act, which governs the exportation and importation of defense articles. 22 C.F.R. Parts 120-129 (2005); 27 C.F.R. Part 47 (2005).

22 U.S.C. § 2778 note - Landmine Export Moratorium

CBP enforces the continuing moratorium on the export of anti-personnel landmines.

22 U.S.C. §§ 2797, 2797a-b - Control of Missiles and Missile Equipment or Technology


22 U.S.C. § 2798 - Sanctions Against Certain Foreign Persons

Sanctions on foreign persons who knowingly and materially contribute to export from the U.S. of chemical or biological goods or technology to assist the efforts of a foreign country's use or development of chemical or biological weapons.

22 U.S.C. § 2799aa - Nuclear Enrichment Transfers

Nuclear reprocessing transfers, illegal exports for nuclear explosive devices, transfers of nuclear explosive devices, and nuclear detonations.


Policy to establish controls over transfer and use of nuclear materials and equipment and nuclear technology.

22 U.S.C. §§ 5601-5606 - Control and Elimination of Chemical and Biological Weapons

Urges close cooperation with the Australia Group and supplier nations to effectively control transfer of material, equipment, and technology applicable to chemical or biological weapons.


CBP enforces the provisions of this Act, which allows certain exports to Cuba. (Same fines as TWEA, 50 U.S.C. App. §§ 1-44).


Same fines as TWEA above and codifies the Cuban Assets Control Regulations.
22 C.F.R. PARTS 120-122 (2005) - International Traffic in Arms Regulations

Purpose and Definitions, Part 120. U.S. Munitions List, Part 121. Registration of Manufacturers and Exporters Part 122. Missile Technology Control Regime Annex, § 121.16.

22 C.F.R. § 127.4 (2005) - Authority of U.S. Customs Service Officers

This section gives CBP the ability and authority to enforce export laws regarding defense articles and technical data.

TITLE 26 - INTERNAL REVENUE CODE


CBP collects an ad valorem tax imposed for port use. All administrative and enforcement provisions of customs laws and regulations shall apply to the tax of this subchapter as if such tax were a customs duty.

26 U.S.C. §§ 4611-4682 - Environmental Taxes

CBP collects an excise tax on a number of imported petroleum products, chemical and "taxable substances," for example, if the Secretary of the Treasury determines, after consulting with CBP and EPA, that taxable chemicals constitute more than 50% of the weight.

26 U.S.C. §§ 5001-5008, 5010 - Tax on Distilled Spirits

CBP collects a tax imposed on distilled spirits, wines and beer. CBP assists in collecting the taxes and in certain regulatory functions. CBP collection of internal revenue taxes on imported distilled spirits, beer and wine are to be collected, accounted for, and deposited as internal revenue collections by the District Director of CBP. See 27 C.F.R. § 251.48 (2005). CBP also collects taxes on distilled spirits, beer and wine that must be paid by electronic fund transfer (EFT). CBP further assists in the enforcement of the tax laws through its inspection powers. The CBP officer shall not release distilled spirits until he inspects the spirits, with particular emphasis on losses in transit, and makes certain that various documentary requirements are complied with. See 27 C.F.R. §§ 251.171-251.175 (2005).

26 U.S.C. §§ 5701-5706, 5708 - Tax on Tobacco


CBP assists in the enforcement of the provisions allowing for the removal from a factory or an export warehouse of tobacco products, and cigarette papers and tubes, and for the removal of cigars from a CBP warehouse, without payment of tax, for direct exportation or for delivery for subsequent exportation. See 27 C.F.R. § 275.82 (2005).

CBP also assists the Internal Revenue Service in establishing an allowance of drawback of tax paid on tobacco and cigarette papers and tubes, when shipped from the United States. See 27 C.F.R. § 275.83 (2005). CBP assists by inspecting the contents before landing onto the carrier and filling out various forms documenting the inspection. (26 U.S.C. § 5706).

26 U.S.C. §§ 5801-5802 - Importation of Firearms

CBP assists the Bureau of Alcohol, Tobacco and Firearms in that Agency's overall regulation of the importation of certain firearms into the United States. CBP officers are authorized to take "appropriate action" to assure compliance with 27 C.F.R. Part 47 (2005), and with 27 C.F.R. §§ 178-179 (2005), as those sections concern the importation or attempted importation of articles on the U.S. Munitions Import List. The assistance rendered by CBP to the Bureau of Alcohol, Tobacco and Firearms generally involves the inspection of required documentation prior to the release of certain imported firearms from CBP custody. See 27 C.F.R. § 47.56 (2005).

Additionally, any vessel, vehicle or aircraft used to transport, carry, convey or conceal any firearm with respect to which there has been a violation of any provision of 26 U.S.C. Chapter 53 (or any regulations issued pursuant to that Chapter) shall be subject to
seizure and forfeiture under the customs laws. See 27 C.F.R. § 179.182 (2005).

26 U.S.C. § 7327 - Forfeitures

The provisions of law applicable to the remission or mitigation by the Secretary of forfeiture under the customs laws shall apply to forfeitures incurred or alleged to have been incurred under the internal revenue laws.

**TITLE 27 - INTOXICATING LIQUORS**

27 U.S.C. § 122 - Webb-Kenyon Act

CBP enforces the prohibition against the importation of alcoholic beverages contrary to state law.

27 U.S.C. §§ 201-219a - Federal Alcohol Administration Act

CBP enforces the prohibition against importing into United States distilled spirits, wine or malt beverages without a permit issued by the Secretary of the Treasury and enforces the provisions pertaining to labeling, bottling and packaging of alcoholic beverages shipped in foreign commerce or removal from CBP custody. 19 C.F.R. § 12.37-12.38 (2005).

**TITLE 31 - MONEY AND FINANCE**


CBP requires reports of exports and imports of monetary instruments in excess of $10,000. See also 31 C.F.R. Part 103 (2005). CBP also enforces regulations pertaining to annual reporting requirements that U.S. holders of foreign bank accounts with an aggregate exceeding $10,000 report to IRS. 31 C.F.R. Part 103 (2005). Money Laundering Suppression Act of 1994, amended §§ 5311-5324, including the inclusion of instruments drawn on a foreign financial institution (not in bearer form) into the definition of monetary instruments under § 5312; the registration of money transmitting businesses § 5330; adding new § 5324, in part to reverse Ratzlaf v. United States by eliminating the term “willfully” thereby clarifying that a violation of § 5324 requires only that the defendant was aware of the reporting requirement and took steps to avoid the report, but not knowledge that the structuring was illegal.

31 U.S.C. § 5332 – Bulk Cash Smuggling

CBP enforces this statute, which makes it a crime to knowingly conceal more than $10,000 in currency or other monetary instruments with the intent to avoid filing a report under 31 U.S.C. § 5316.

31 U.S.C. § 9703 - Department of Treasury Forfeiture Fund

Seizures and forfeitures made pursuant to laws enforced or administered by the Department of the Treasury or U.S. Coast Guard for law enforcement purposes.

**TITLE 31 - CODE OF FEDERAL REGULATIONS**


CBP administers regulations issued to implement the public information provisions of 5 U.S.C. § 552. See also 19 C.F.R. Part 103 (2005) for rules promulgated specifically with respect to U.S. CBP.


31 C.F.R. Part 401 (2005) - Seizure and Forfeiture of Vessels, Vehicles and Aircraft used to Transport Counterfeit Coins, Obligations, and Paraphernalia

These regulations authorize and designate the District Director of CBP to hold in custody vessels, vehicles and aircraft used to violate 49 U.S.C. § 781 and seized
by the U.S. Secret Service officers engaged in enforcement of counterfeit laws.

31 C.F.R. Part 500 (2005) - Foreign Assets Control Regulations

CBP enforces these regulations that prohibit the unauthorized importation of and dealings in certain merchandise from certain countries, including North Korea.

31 C.F.R. Part 505 (2005) - Transaction Control Act

CBP enforces these regulations that prohibit unauthorized transactions involving the shipment of certain merchandise between foreign countries. [Strategic trade with communist countries not licensed by a COCOM participating or cooperating country of export - concurrent jurisdiction with Commerce Department]

31 C.F.R. Part 515 (2005) - Cuban Assets Control Regulations

CBP enforces these regulations, which prohibit unauthorized transactions with Cuban and Cuban nationals, including importations and dealings in certain merchandise. See 22 U.S.C. § 6021 note this chapter.


CBP enforces these regulations concerning the freeze of residual assets (Part 535) and prohibition of unauthorized transactions with Iran, including importations of certain goods and services (Part 560).


CBP enforces these regulations, which prohibit unauthorized transactions with Libya, including importations and exports of certain merchandise.


CBP enforces these regulations, which prohibit unauthorized transactions with Iraq, including importations and exports of certain merchandise.

31 C.F.R. Part 585 (2005) - Yugoslavia (Serbia and Montenegro) Asset Control Regulations

CBP enforces regulations, which prohibit importation or exportation of Yugoslavian goods and services.


CBP enforces regulations, which prohibit sale or supply of weapons and related equipment and supplies to UNITA.

31 C.F.R. Part 595 (2005) - Terrorism Sanctions Regulations

CBP enforces regulations prohibiting transactions or dealing with “Specially Designated Terrorists” (SDTs) including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons.


CBP enforces regulations imposing economic sanctions on those countries listed under section 6(j) of the Export Administration Act (50 U.S.C. App. 2405) [Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria].

Executive Order 12978 - Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers

CBP enforces prohibitions in Executive Order 12978 prohibiting transactions or dealing in property or interests in property of “Specially Designated Narcotics Traffickers” (SDNTs) intended to avoid the blocking of the assets of SDNTs.

Executive Order 13047 - Burma - Blocking of Certain Investment Transactions with Burma

Effective May 21, 1997, economic sanctions authorized by IEEPA (50 U.S.C. 1701-1706) prohibit certain investment transactions with Burma in response to its large-scale repression of democratic opposition. Implementing regulations will be issued under 31 C.F.R. [Note: As with the other economic sanctions listed above, this sanction will be administered by the Department of Treasury’s Office of Foreign Assets Control (OFAC) and enforced by CBP.]
TITLE 33 - NAVIGATION AND NAVIGABLE WATERS

33 U.S.C. §§ 381-387 - Suppression of Piracy

CBP enforces this provision, which prohibits the use of any vessel from being employed in the commission of any act of piracy. Section 385 provides for the seizure and condemnation of vessels outfitted for piracy. Section 387 authorizes the seizure of any vessel outfitted for piracy that is found at any port of the ports within the United States.

33 U.S.C. §§ 401-426 - Protection of Navigable Waters

CBP enforces these provisions, which prohibit the obstruction and deposits of refuse in navigable waters. Section 413 provides for the enforcement of those provisions of sections 401, 403, 404, 406, 407, 408, 409, 411, and 412 of this Title. Section 419 provides for the enforcement of any violation of the regulations governing the dumping of dredging or refuse into navigable waters. 19 C.F.R. § 4.66b (2005).

33 U.S.C. §§ 1221-1236 - Ports and Waterways Safety Act

CBP assists the Coast Guard in the enforcement of these provisions requiring vessels entering the navigable waters of the U.S. to be constructed and operated in accordance with this Act. 19 C.F.R. § 4.66b (2005).

33 U.S.C. § 1321 - Oil and Hazardous Substance Liability

CBP enforces this provision, which prohibits the discharge of oil or hazardous substances into or upon the navigable waters of the United States. Section 1321 provides that the clearance as required by section 91 of Title 46 may be withheld of any vessel, the owner, or operator if they are in violation of this section. See 33 C.F.R. § 153.105 (2005) and 19 C.F.R. § 4.66a (2005).

33 U.S.C § 1322 - Marine Sanitation

CBP enforces this provision, which sets uniform standards for marine sanitation devices and provides for the enforcement of those standards and regulations under this section.


CBP enforces this law, which provides that all foreign articles used in the construction of deepwater ports shall be subject to all applicable duties and taxes.

33 U.S.C. §§ 1901-1912 - Act to Prevent Pollution From Ships

Under this Act, which prohibits the discharge of oil and harmful substances into navigable waters, CBP may refuse or revoke clearance required by section 91 of Title 19 of any vessel, and its owner, operator, or person in charge may be subject to a penalty under this Act. 19 C.F.R. § 4.66c (2005).


CBP clearance may be withheld for a vessel if the owner or operator subject to port dues fails to comply with these laws. Penalties may be assessed and cargo may be forfeited.


CBP clearance may be withheld for the failure to have a permit to transport municipal or commercial waste.

TITLE 35 - PATENTS


This Act gives owners of patented processes the right to exclude others from using or selling throughout the United States, or importing into the United States, products made by that process. Available remedies include monetary damages and injunctive relief. The amendments specify that the patent owner shall not be deprived of any other remedies available under 35 U.S.C. §§ 271 (a) through (f) or under § 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, or any other provision of law. If the International Trade Commission determines that 19 U.S.C. § 1337 pertaining to unfair methods of competition and unfair trade practices has been violated, CBP may be directed to exclude articles covered by that Agency's order. 19 C.F.R. § 12.39 (2005). 19 C.F.R. § 12.39a allows
patent owners to request CBP to conduct an import survey.

TITLE 39 - POSTAL SERVICE


CBP enforces those provisions of the law that permit seizure and forfeiture of letters and bags, packets or parcels containing letters which are being carried contrary to law on board any vessel.

39 U.S.C. § 3002a - Nonmailability of Locksmithing Devices

CBP aids in the enforcement of this provision prohibiting the mailing of locksmithing devices except to certain statutorily recognized parties.

39 U.S.C. § 3005 - Conducting a Lottery through the Mails

CBP aids in the enforcement of this provision, which prohibits the mailing of schemes or devices for obtaining property or money and specifically conducting a lottery through the mails including prohibition of interstate mailing of tickets.

39 U.S.C. §§ 3008, 3010 - Pandering of Sexually Oriented Advertisements

CBP aids in the enforcement of these provisions, which prohibit the mailing of pandering and sexually oriented advertisements without strict compliance with the stated requirements for such mailing and provide for the issuance of any order by the Postal Service to require the sender to refrain from sending such materials; disobedience is punishable by contempt of Court.

TITLE 40 - PUBLIC BUILDINGS, PROPERTY AND WORKS

40 U.S.C. §§ 702-704 - Federal Property and Administrative Services Act

CBP enforces those sections of the law that provide for the return of foreign excess or surplus property, when it is determined that the return of such property is in the interest of the United States. The transportation costs associated with the return of the property are borne by the recipient.

TITLE 42 - PUBLIC HEALTH AND WELFARE

42 U.S.C. §§ 88-90, 91, 97-98, 112 - Sanitation and Quarantine

CBP enforces the restrictions concerning quarantines and other health related restraints involving vessels and port areas.

42 U.S.C. § 262 - Licensing of Biological Products

CBP enforces import and export restrictions on viruses, sera, toxins, antitoxic and analogous products which do not comply with licensing requirements. See 19 C.F.R. § 12.21-12.23 (2005); 21 C.F.R. Parts 5, 7, 25, 50, 58 (2005).

42 U.S.C. § 262a - Enhanced Control of Dangerous Biological Agents and Toxins

The Secretary of Health and Human Services regulates the possession and transfer of certain biological agents and toxins with the help of the Animal and Plant Health Inspection Service. See 7 U.S.C. § 8411.


42 U.S.C. §§ 264-271 - Quarantine, Inspection and Licensing

CBP enforces this provision, which restricts importations of dogs, cats and monkeys, psittacine birds, turtles, tortoises, and terrapins that do not comply with health standards. See 19 C.F.R. § 12.26 (2005) and 42 C.F.R. § 71.51-71.55 (2005).

CBP enforces those provisions, which restrict importation and exportation of special nuclear material, atomic weapons and byproduct material. See 10 C.F.R. Parts 30, 40, 50, 70, 110 (2005).


CBP enforces this Act, which requires importations that are the subject thereto to comply with standards and regulations respecting noise.


CBP prohibits admission into the United States of any mobile home that does not comply with safety standards prescribed by this Act.


This law allows CBP participation in rural crime & drug enforcement task forces investigating 21 U.S.C. § 873(a) [concerning traffic in controlled substances] or offenses punishable by a term of imprisonment of 10 years or more under title 18.


Under Section 6301, CBP regulates the importation of products covered by this Act including certain consumer products designed to consume energy but excluding automobiles.


CBP assists the EPA in enforcing this provision, implementing regulations and international agreements regulating the international shipment of hazardous wastes. See 40 C.F.R. Part 262 (2005).

42 U.S.C. §§ 7521-7543 - Clean Air Act as amended

CBP enforces the restrictions on importations of motor vehicle engines found not to be in compliance with federal motor vehicle emission standards. See 19 C.F.R. § 12.73 (2005); 40 C.F.R. Parts 80, 86 (2005).

TITLE 43 - PUBLIC LANDS


TITLE 46 - SHIPPING

Note: CBP under the authority of 19 U.S.C. § 1581 enforces the navigation laws and exercises functions provided for in the navigation laws pertaining to the entry and clearance of vessels in domestic trade, including fisheries. The major provisions enforced by CBP are listed below.

46 U.S.C. § 2104 - Delegation of Authority

CBP officers may be designated to act in place of a Coast Guard official for enforcement of the provisions.

46 U.S.C. §§ 2110-2112 - Payment of Fees

This provision specifies which fees may be charged for services rendered by CBP. 19 C.F.R. Part 24 (2005).

46 U.S.C. §§ 3301-3318 - Inspection

CBP shall refuse clearance to vessels if a proper certificate of inspection is not in force or if the vessel is not in compliance with such certificate. 19 C.F.R. § 4.66 (2005).

46 U.S.C. § 3502 - Passenger List

Passenger lists are required to be kept and open to inspection by CBP. 19 C.F.R. §§ 4.7, 4.50 (2005).
46 U.S.C. § 3718 - Penalties for Violation of Carriage of Dangerous Cargo Rules

CBP may withhold or revoke clearance for vessels in violation of this section. 46 C.F.R. Parts 148, 154 (2005).

46 U.S.C. §§ 4301-4311 - Import of Recreational Vessels

CBP enforces the restrictions regarding the importation of recreational vessels and equipment not in conformity with prescribed safety standards. 19 C.F.R. § 12.85 (2005).


Pursuant to 5114 CBP enforces the load line requirements including the detention of vessels and assessment of penalties. 19 C.F.R. §§ 4.61, 4.65a (2005).


CBP refuses to grant clearance to any vessel bound for a foreign port unless requirements pertaining to citizenship, employment, and qualifications of seamen are satisfied. 19 C.F.R. §§ 4.68 - 4.69 (2005).

46 U.S.C. § 8304 - Officers Competency Certificates Convention of 1936

CBP is designated to enforce officer certification requirements, and may detain vessels in violation. 46 C.F.R. §§ 12.10-1, 12.10-3 (2005).

46 U.S.C. §§ 9301-9308 - Regulation of Great Lakes Pilots

CBP, based on its enforcement authority under the certification requirements, enforces the requirements for vessels in designated waters of the Great Lakes to have in their service a registered and eligible pilot.

46 U.S.C. §§ 10314, 10315, 10505 - Advances

CBP refuses to grant clearance to a U.S. vessel bound for a foreign port unless the shipping articles agreements have been presented. 19 C.F.R. § 4.69 (2005).

46 U.S.C. § 10702 - Duties of Masters

CBP grants clearance to a foreign-bound vessel only when a written certificate of compliance pertaining to a deceased seaman’s property and wages is received by CBP.

46 U.S.C. § 10902 - Complaints of Unseaworthiness

CBP is designated to take complaints of unseaworthiness by crew and enforce this section.

46 U.S.C. §§ 11102, 11103 - Protection and Relief

CBP verifies that requirements pertaining to medicine and slop chests have been complied with before clearance may be granted to a vessel bound to a foreign port.

46 U.S.C. § 12109 - Recreational Vessel Licenses

Licensed recreational vessels are exempt from general CBP entry or clearance requirements except for requirements of 19 U.S.C. 1433. All persons on board such vessels, however, remain subject to all applicable CBP regulations. 19 C.F.R. § 4.94 (2005).

46 U.S.C. § 31327 - Forfeiture of Mortgage Interest

Interests by preferred mortgagee in documented vessel may not be terminated through forfeiture unless the mortgagor authorized, consented or conspired to do the violation. See also 19 U.S.C. § 1609.

46 U.S.C. App. § 3 - Admeasurement of Vessels

CBP is charged with specific supervision of laws relating to the admeasurement of vessels (official numbers and assigned letters) and with the collection of assessed taxes and duties. 19 C.F.R. §§ 4.20-4.24 (2005).

46 U.S.C. App. § 14 - Wrecked Vessels

CBP may register salvaged vessels wrecked on U.S. coasts or adjacent waters when purchased by U.S. citizens if repairs are 3 times the salved value. False statements by the owner subject the vessel to forfeiture under this section.

46 U.S.C. App. § 91 - Clearance of Vessels

CBP grants clearance to vessels bound to foreign ports and enforces penalties for failure to comply with the regulations prescribed by law including the required submission of outbound manifests. 19 C.F.R. §§ 4.60 - 4.75 (2005).
46 U.S.C. App. § 97 - State Inspection Laws

CBP officers shall pay due regard to state inspection laws and no cargo may be cleared until the master produces the certificates required by the state. 19 C.F.R. § 4.61 (2005).

46 U.S.C. App. § 104 - Reciprocal Exemption of Foreign Yachts from Charges and Tonnage Taxes; Licenses

Exemption from charges, tonnage taxes, and other requirements are granted to foreign yachts and pleasure vessels if reciprocal privileges are accorded U.S. vessels, but CBP may require a license for the privilege. 19 C.F.R. §§ 4.20-4.24, 4.94 (2005).


CBP assesses and collects “light money” and tonnage duties with amounts depending on the registry of the vessel subject to certain exemptions prescribed by law. 19 C.F.R. §§ 4.20-4.24 (2005).

46 U.S.C. App. §§ 141-146 - Discriminating Duties and Reciprocal Privileges

CBP collects discriminating tonnage duties from vessels of foreign countries found to be collecting such duties from U.S. vessels. CBP also grants certain reciprocal privileges. 19 C.F.R. § 4.22 (2005).

46 U.S.C. App. § 163 - Regulations as to Boarding Vessels Before Inspection

CBP enforces regulations governing the boarding before inspection of vessels arriving in the U.S. 19 C.F.R. §§ 4.1, 4.7a (2005).

46 U.S.C. App. § 251-251b - Vessels in Domestic Commerce

CBP enforces the proscription against the landing in the U.S. of fish caught on high seas by foreign flag vessels. 19 C.F.R. §§ 4.80, 4.81, 4.96 (2005).

46 U.S.C. App. § 262 - Trade of Documented Vessel Not to Defraud Revenue Laws

CBP assists in the enforcement of this section providing that documented vessels may not be employed in trade whereby the revenue laws of the U.S. are defrauded.

46 U.S.C. App. § 277 - Inspection of Documents

CBP penalizes vessels proceeding to foreign ports without proper documentation.

46 U.S.C. App. §§ 289-289c, 291 - Transportation of Passengers, Merchandise in Foreign Vessels

CBP enforces these laws providing that foreign vessels may not transport passengers between U.S. ports, unless they meet one of subsequent statutory exceptions or exemptions. Section 291 covers transshipment of merchandise. 19 C.F.R. §§ 4.80-4.93 (2005).

46 U.S.C. App. § 292 - Dredging by Foreign Built Dredges

CBP assists in the enforcement of the prohibition against dredging by foreign vessels in U.S. waters.

46 U.S.C. App. §§ 316, 725 - Use of Foreign Vessels in United States Ports

CBP enforces limits on foreign vessels in U.S. ports or other locations from engaging in specified operations such as towing or salvaging. 19 C.F.R. §§ 4.92, 4.97 (2005).

46 U.S.C. App. § 319 - Civil Penalties for Trading Without Required Certificate of Documentation

Vessels employed in a trade and not documented may be liable to penalties and under certain circumstances this provision allows for limited seizure and forfeiture of merchandise. This provision also provides that foreign labels, etc., on merchandise are prima facie evidence of foreign origin. 19 C.F.R. § 4.61 (2005).

46 U.S.C. App. § 320 - Remission or Mitigation of Fines

CBP may remit specified fines assessed under this title.

46 U.S.C. App. §§ 321-325 - Penalties

CBP enforces penalties for specific violations (e.g., malfeasance, obstructing officers, or forgery). Most significant is Section 325 for licensed vessels engaging in unauthorized trade in violation of license.

46 U.S.C. App. § 327 - Notice of Seizure

CBP is required to give an owner notice of seizure.
46 U.S.C. App. § 328 - Recovery of Forfeitures and Penalties

CBP may pursue forfeitures and collection of penalties under the customs laws unless otherwise prescribed.

46 U.S.C. App. § 336 - Canal Boat Exemption from Enrollment, License, and Customs Fees

Canal boats and boats on internal U.S. waters are exempt from customs fees.

46 U.S.C. App. §§ 802, 808 - Shipping Act, 1916

CBP enforces the provisions, including the assessment of penalties, pertaining to the unlawful transportation of vessels in coastwise trade. 19 C.F.R. § 4.80 (2005).


CBP may refuse clearance of passenger vessels failing to establish financial responsibility for death or injury to persons aboard, or nonperformance of transportation. 19 C.F.R. § 4.68 (2005).

46 U.S.C. App. § 834 - Refusal of Clearance to Vessel Refusing to Accept Freight

CBP may refuse clearance to any vessel that refuses to accept freight in good condition unless the vessel is fully laden.

46 U.S.C. App. § 877 - Coastwise Laws Extended to Island Territories and Possessions

CBP enforces coastwise laws extended to U.S. island territories and possessions.

46 U.S.C. App. § 883 - Coastwise Transportation of Merchandise in Foreign Vessels

The general prohibition against foreign vessels carrying merchandise in the coastwise trade is administered by CBP.


46 U.S.C. App. § 1710a - Foreign Laws and Practices

CBP may refuse clearance of vessels identified under this section as involved in practices found to adversely affect operations of U.S. carriers in U.S. trade.


CBP assists in the enforcement of the specific prohibition against trafficking in controlled substances aboard vessels subject to U.S. jurisdiction.


CBP may detain vessels loaded in violation of load line regulations. 19 C.F.R. §§ 4.20, 4.65a (2005).

TITLE 47 - TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

47 U.S.C. § 302a - Devices Which Interfere with Radio Reception

CBP enforces this provision, which prohibits the importation of devices or home electronic equipment which fail to comply with regulations promulgated by the FCC. 47 C.F.R. §§ 2.1201-2.1207, 18.119 (2005).

47 U.S.C. §§ 303(s), 330 - Prohibition on Shipments of Certain Television Receivers


47 U.S.C. § 312a - Revocation of Operator's License Used in Unlawful Distribution of Controlled Substances

FCC, upon the request of any appropriate Federal Law enforcement agency, including CBP, may assist in the
enforcement of the controlled substance laws where communications equipment is willfully being used for purposes of distributing any controlled substance.

47 U.S.C. § 510 - Forfeiture of Communication Devices

CBP enforces this provision, which provides for seizure and forfeiture of communications devices when a person wilfully or knowingly violates 47 U.S.C. § 301 or 302a, or rules prescribed by the FCC.

47 U.S.C. § 605 - Unauthorized Publication or Use of Communications

CBP enforces this provision, which prohibits the importation or exportation of any device or equipment used primarily for the unauthorized decryption of satellite cable programming, or is intended for any other activity prohibited by 47 U.S.C. § 605(a).

TITLE 48 - TERRITORIES AND INSULAR POSSESSIONS

48 U.S.C. § 738 - Free Interchange of Merchandise with United States

CBP administers this provision, which prohibits the imposition of any duties on goods from the United States imported into Puerto Rico and on goods from Puerto Rico imported into United States.

48 U.S.C. § 739 - Duties on Foreign Imports; Books and Pamphlets in English Language

CBP administers this provision, which requires that customs duties collected upon articles imported into the Puerto Rico be equivalent to duties imposed on goods imported into the United States. All books and pamphlets printed in English language imported from the United States into Puerto Rico are exempt from duty.

48 U.S.C. § 740 - Duties and Taxes Constitute Fund for Benefit of Puerto Rico; Ports of Entry

This provision gives the Secretary of Treasury the authority to designate ports of entry and the authority to collect customs duties on goods entering Puerto Rico, and requires that duties and taxes collected in Puerto Rico and duties and taxes collected in the United States on goods imported from Puerto Rico be paid to the treasury of Puerto Rico.

48 U.S.C. § 741 - Export Duties, Taxes, Etc.; Bonds to Anticipate Revenue

CBP administers this provision, which prohibits the imposition of export duties on goods exported from Puerto Rico.

48 U.S.C. § 744 - Coastwise Trading Laws

The U.S. coasting trade laws administered by CBP apply to trade between Puerto Rico and the United States.

48 U.S.C. § 1394 - Customs Duties and Internal Revenue Laws

CBP administers this provision, which provides that goods that are the product of the Virgin Islands that do not contain foreign materials valued at more than 20% of the total value are free of duty. Goods that do not fulfill this criterion are subject to the same customs duties as levied on goods imported into the United States as goods imported from foreign countries.

48 U.S.C. § 1395 - Tax Laws Continued; Tax on Sugar

This provision establishes that products of the United States are exempt from duty when imported into the Virgin Islands and provides for an export tax on sugar to be exported from the Virgin Islands in the amount of $6 per ton of two thousand pounds. The Colonial Councils of Saint Croix and Saint Thomas and Saint John are authorized to levy internal revenue taxes on articles manufactured, sold, used or brought into the islands, however, the taxes may not discriminate between articles imported from the United States and foreign countries and articles produced or manufactured in the islands. CBP is directed to assist officials of the Virgin Islands in the collection of these taxes, which are deposited in the treasury of the Virgin Islands.

48 U.S.C. § 1406 - Taxes and Fees; Power to Assess and Collect; Ports of Entry; Export Duties

This section provides the Secretary of Treasury with the authority to designate ports of entry in the Virgin Islands. The Secretary of Treasury is directed to administrate the customs laws in the Virgin Islands. Additionally, this section provides that all laws
regarding import duties currently in effect in the municipality of Saint Thomas and Saint John shall be in effect for the Virgin Islands until Congress provides otherwise.

48 U.S.C. § 1415 - Restrictions upon Exportation

CBP enforces this provision, which prohibits the exportation of guano from any island, rock, or key except for the use of citizens or residents of the United States.

48 U.S.C. § 1416 - Regulation and Trade

CBP enforces this provision, which provides that coating trade laws applies to guano introduced from islands, rocks, or keys.

48 U.S.C. § 1421e – Duty on Articles

CBP enforces this provision, which provides that articles coming into the U.S. from Guam shall be subject to or exempt from duty pursuant to the Tariff Act of 1930.

48 U.S.C. § 1421h - Duties, Taxes, and Fees; Proceeds Collected to Constitute Fund for Benefit of Guam

CBP administers this provision, which requires duties, taxes and fees derived from Guam to be covered into the treasury of Guam.

48 U.S.C § 1494b - United States Insular Areas Drug Abuse Act of 1986

This provision directs CBP to station an aerostat in Puerto Rico, provide a vessel to American Samoa, and to the extent not prohibited under Palau’s Constitution, investigate U.S. criminal laws in cooperation with Palau authorities.

48 U.S.C. §§ 1574(f), 1642a - Virgin Islands

This provision authorizes the Legislature of the Virgin Islands to set customs duties on imported goods at a rate not greater than 6% ad valorem. However, the Legislature of the Virgin Islands is not empowered to repeal or amend laws administered by CBP pertaining to the customs valuation or classification of articles imported into the Virgin Islands. Duties, taxes and fees collected in the Virgin Islands shall be remitted to the treasury of the Virgin Islands. See also Danish Law No. 64 concerning tariffs and duties in the Virgin Islands which CBP enforces.

48 U.S.C. § 1643 - Import Provisions with Respect to Trade-Marks

This provision exempts goods imported into the Virgin Islands from the application of 19 U.S.C. § 1526 and 15 U.S.C. § 1124, protection for registered American trademarks, but does not exempt goods exported from the Virgin Islands to the United States or its possessions from these statutory requirements.

48 U.S.C. § 1644 - Import Duties on Articles Entering United States or Possessions From Virgin Islands

All articles coming into the U.S. from the Virgin Islands shall be subject to or exempt from duty pursuant to the Tariff Act of 1930.

48 U.S.C. § 1645 - Remittance of Duties, Taxes, and Fees to Be Collected in Next Fiscal Year

This provision authorizes the Secretary of Treasury, prior to the beginning of fiscal year, to remit estimated customs duties to the treasury of the Virgin Islands.


This section provides that the coasting trade laws are not applicable to American Samoa.

48 U.S.C. § 1669 – Administration and Collection of Customs Duties

This section authorizes the Secretary of Treasury, upon the request of the Governor of American Samoa, to administer and enforce the collection of all customs duties without cost to the government of American Samoa.

48 U.S.C. § 1801, Note - Approval of Compact of Free Association Between United States and Government of Palau

This section provides that Palau is excluded from the customs territory of the United States, and the requirements of the Generalized System of Preferences (GSP) applies to goods imported from Palau into the United States except: watches and clocks, buttons, certain textiles and wearing apparel, footwear, handbags, luggage, flat goods, work gloves and leather wearing apparel. Special requirements are established for canned tuna. Articles not exempt from duty are subject to column 1 treatment.

This section provides that the Marshall Islands and the Federated States of Micronesia are excluded from the customs territory of the United States, and products of the Marshall Islands and the Federated States of Micronesia are subject to the requirements and benefits of Headnote 3(a). Goods not falling under the requirements of Headnote 3(a) are accorded equal duty treatment as like foreign goods imported into the United States.

48 U.S.C. § 1801, Note - Covenant to Establish Commonwealth of Northern Mariana Islands in Political Union with United States of America

This section provides that the coastwise laws of the United States are generally inapplicable to the Northern Marianas, and that the Northern Mariana Islands are excluded from the customs territory of the United States. Imports from the Northern Mariana Islands are subject to the same treatment as goods imported from Guam into the United States. Consistent with the international obligations of the United States, the Government of the Northern Mariana Islands may impose duties on goods imported into the Northern Mariana Islands from anywhere outside the customs territory of the United States and may impose export duties on goods exported from the Northern Mariana Islands.

TITLE 49 - TRANSPORTATION


CBP aids in enforcement of regulations promulgated by the Secretary of Transportation pertaining to safety standards for the transportation of hazardous materials. 49 U.S.C. § 1472(h)(1); 49 C.F.R. Parts 171-177 (2005) (hazardous materials regulations).

49 U.S.C. § 10721 - Government Traffic

For purposes of ICC rates and tariffs, a common carrier providing transportation may transport CBP officers without charge.


CBP assists in the enforcement of this Act, which provides for the setting of motor vehicle safety standards by the National Highway Traffic Safety Administration (NHTSA), and prohibits the manufacture, sale, delivery or importation of substandard vehicles. Temporary importations may be permitted for the purpose of bringing substandard vehicles into conformity with the safety standards (Section 1397). 19 C.F.R. § 12.80 (2005) set forth these standards.


CBP may deny entry to any automobile failing to comply with the Act, which provides for the setting of motor vehicle bumper standards by the NHTSA, and prohibits the manufacture, sale, delivery or importation of vehicles with bumpers that do not meet the standard. Temporary importations may be permitted for the purpose of bringing substandard vehicles into conformity with the bumper standards (Section 1916). See 49 C.F.R. Part 581 (2005).


CBP assists in the enforcement of this Act, which provides for the setting of motor vehicle theft prevention standards by the Secretary of Transportation concerning major automotive parts, and prohibits the manufacture, sale, delivery or importation of vehicles that do not meet the standard. Temporary importations may be permitted for the purpose of bringing
substandard vehicles into conformity with the standards (Section 2027).

49 U.S.C. §§ 41101-41112 - Air Carrier Certificates

CBP clears scheduled aircraft entering the United States according to the schedules and regulations provided for under this Act.

49 U.S.C. § 41101 Suspension, modification, or revocation of certificate of public convenience and necessity or foreign air carrier permit; illegal importation of controlled substances

The Secretary of Transportation in consultation with appropriate law enforcement agencies including CBP is empowered to reexamine the fitness of any carrier which has violated U.S. laws pertaining to illegal importation of controlled substances into the U.S. aboard its aircraft.


CBP assists in reporting violations of section 1508(b), which prohibit foreign civil aircraft from transporting persons, property, or mail for compensation or hire between ports of the United States. 49 U.S.C. §§ 1372, 1386(b)(7) (permits to foreign air carriers) 14 C.F.R. Parts 119, 121 (2005) (air carriers and operators for hire).

49 U.S.C. § 44904 - Domestic Air Transportation System Security

CBP aids F.B.I. and FAA in the assessment of potential threats to the domestic air transportation system, including the extent to which individuals have the capability and intent to carry out terrorist or related unlawful acts against that system, and their potential methods of carrying out such acts.


This section authorizes CBP to seize and forfeit aircraft used in connection with or to aid or facilitate criminal violations relating to forgery of certificates, false marking of aircraft, and other aircraft registration violations. This provision establishes certain presumptions for the purposes of seizure and forfeiture. No drug nexus is required to seize and forfeit the aircraft. Also, no criminal charge or conviction is required in order to seize and forfeit the aircraft. The aircraft is seized and forfeited in accordance with the customs laws. 19 C.F.R. Part 171 (2005) (fines, penalties, & forfeitures).


CBP aids in the enforcement of the Hazardous Materials Transportation Act to ensure safe transportation of hazardous materials by air.


CBP assists in the enforcement of this provision, which makes it unlawful to knowingly and willfully operate an aircraft in violation of FAA rules governing display of lights in connection with the transportation of a controlled substance.

49 U.S.C. §§ 60101 - 60125 Hazardous Liquid Pipeline Safety

CBP aids in the enforcement of the provisions governing the transportation of hazardous liquids in foreign commerce.

49 U.S.C. § 70117(f) - Commercial Space Launch

For purposes of enforcing laws controlling exports, a launch or payload shall not be considered an export.

49 U.S.C. §§ 80102-80116 - Pomerene Bills of Lading Act

CBP enforces laws governing bills of lading. See, especially, 49 U.S.C. § 121, which sets forth misdemeanor offenses relating to making a counterfeit or fraudulent bill of lading.

49 U.S.C. §§ 80302-80306 - Contraband Seizure Act

Pursuant to this Act, which makes it unlawful to transport, conceal, or facilitate the transportation of “contraband articles,” as defined in the statute (certain narcotic drugs, certain firearms, counterfeit coins), CBP assists in seizures made by the Secret Service of any aircraft, vehicle or vessel being used in violation of this Act. The customs laws relating to seizure, forfeiture, remission, mitigation, etc., shall apply to seizures and forfeitures occurring under this Act. The Secretary of the Treasury is empowered to authorize persons to carry out provisions of this Act. See also 18 U.S.C. § 8 (obligation or other security of the U.S.); 18 U.S.C. §§ 471-513 (counterfeiting and forgery); 18 U.S.C. § 2341 (contraband cigarettes); 21 U.S.C. § 602 (narcotic drug); 26 U.S.C. §§ 5801-5802 (National Firearms Act); 19 C.F.R. § 12.48 (2005) (counterfeit coins; importation prohibited); 27 C.F.R. Parts 70, 72 (2005)

49 U.S.C. § 80503 - Maximum Charges for Certain Overtime Services

CBP grants entry to the United States to civil aircraft that have complied with the appropriate laws. Section 1741 provides that notwithstanding 19 U.S.C. § 1451, the maximum user fee charge for certain overtime services is $25. 19 C.F.R. Part 122 (2005) (entry and clearance).

TITLE 50 - WAR AND NATIONAL DEFENSE

[Note: See also Title 22 for sanctions concerning weapons of mass destruction, terrorism and narcotics]


The importation of materials determined to be strategic and critical under the Act may not be prohibited or regulated. If the material is the product of a foreign country or area that is a Communist-dominated country or area in general note 3(b) of the Harmonized Tariff Schedule.

50 U.S.C. § 198 - Requisitioned Vessels

Requisitioned vessels may be documented by CBP to engage in coastwise trade. 19 C.F.R. §§ 4.80-4.93 (2005).

50 U.S.C. §§ 219-226 - Insurrection

These provisions provide for the removal of a customhouse to a secure place during times of insurrection, forfeiture of vessels seeking to enter a closed port and refusing clearance to vessels with suspected cargoes.

50 U.S.C. § 401 - National Security

Pursuant to this provision, the President issued an order setting forth duties, responsibilities and direction with respect to national intelligence efforts by the intelligence community of which Treasury is a member. E.O. No. 12333 (12/4/81) and T.D. 113-01 (10/4/88). See also E.O. No. 12356 (4/2/82) establishing policies and procedures for classification and safeguarding of national security information.

50 U.S.C. §§ 1701-1706 - International Emergency Economic Powers Act (IEEPA) [Libya, Iraq, Serbia & Montenegro and Bosnia, UNITA, Iran, Terrorism, and Narcotics]

When the President declares a national emergency with respect to a threat to the national security, foreign policy, or economy of the United States, CBP enforces any import or export provisions and economic sanctions imposed. 31 C.F.R. Parts 500-596 (2005).


See IEEPA above.

50 U.S.C. §§ 1-44 - Trading with the Enemy Act (TWEA) [North Korea, Cuba, Transaction Control Regulations]

CBP aids in the enforcement of this Act, which prohibits the unauthorized importation into the United States of certain articles by any enemy as defined by the Act. 12 U.S.C. § 95a; 31 C.F.R. Parts 500, 505 and 515 (2005).


Provides for criminal penalties of $500,000 per count against corporations and ten years imprisonment and/or $250,000 per count for individuals, for willful violations. See Popular Name List (Public Laws this chapter) and Title 22 for additional references.


CBP ensures that shippers’ declarations and manifests conform to the Act’s requirements associated with the transportation and/or export of certain commodities. 41 C.F.R. §§ 401 (2005), 19 C.F.R. § 4.74 (2005), and 15 C.F.R. Part 700 (2005).


CBP enforces the export controls and declaration regulations established under the Act. 15 C.F.R. Part 768 (2005). Executive Order 12924, 3 C.F.R. §§ 501,
Continuation of Export Control Regulations under the provisions of the Export Administration Act (above) after the Act's expiration. 3 C.F.R. § 501, Continues the national emergency declared in Executive Order 12924 continuing the Export Administration Act provisions.