

APPENDIX A. CUSTOMS SUPPORT OPERATIONS

Personnel, equipment, and material entering the customs territory of the United States (CTUS) must meet customs, postal, immigration, agriculture, and other Federal agency requirements. Customs support is provided to ensure units and individuals returning to CTUS comply with those requirements.

Military police provide commanders a high degree of flexibility through the execution of customs operations. In the MAGTF, military police, trained as military customs inspectors (MCIs), work with joint and U.S. Federal agencies to help ensure compliance with regulations and applicable provisions of international agreements by detecting and investigating violations. Commanders and staffs should be familiar with the military customs inspection program.

Responsibilities

The Department of Defense (DOD) established DOD 5030.49-R, *Customs Inspection*, to—

- 1 Define responsibilities.
- 1 Regulate the military customs inspection program.
- 1 Eliminate the flow of narcotics, drugs, and other contraband into the United States through DOD channels.

U.S. Customs Service

The U.S. Customs Service (USCS) regulates the U.S. Customs Inspection Program and approves customs training programs.

Commissioner of Customs

The commissioner of customs pre-approves employment of MCIs for customs pre-clearance procedures.

Customs Service Advisor

The USCS advisor serves within an overseas command, normally on a 2-year tour of duty, under the direction and control of the commissioner of customs. The advisor—

- 1 Provides information pertaining to customs rules and regulations.
- 1 Informs military commanders of responsibilities.
- 1 Works closely with military customs staff advisors.

Military Customs Staff Advisor

A member of an overseas command staff, a military customs staff advisor—

- 1 Counsels the commander on customs matters.
- 1 Develops local policy and programs.
- 1 Establishes training programs.
- 1 Conducts host nation liaison.
- 1 Monitors operations for effectiveness.
- 1 Serves as the point of contact for USCS advisors, assisting them in reviewing military customs operations and keeping them informed of military and host nation policy.

Theater Executive Agency

The theater executive agency is responsible for the management of a major command's military customs inspection program. This agency develops, coordinates, and promulgates policy, doctrine, and implementing instructions in accordance with the regulatory guidance contained in DOD 5030.49-R. The executive agency is also responsible for the accreditation visits and assessments of military customs inspection programs.

Commander

The commander of the combatant command is responsible for getting USCS approval on MCI employment but delegates this authority to the provost marshal (PM).

Provost Marshal

The PM is responsible for implementing and enforcing customs training and requirements.

Senior Military Customs Inspector

A senior military customs inspector (SMCI) is responsible for training MCIs and for stamp requirements on shipping documents. The SMCI is an

MCI who has completed approximately 20 hours of instruction approved by the PM with the concurrence of the U.S. Department of Agriculture (USDA) advisor. To qualify to train other MCIs, the SMCI must pass a written examination with standards set according to the approved program of instruction, complete on-the-job training (OJT), and work in the customs arena.

Military Customs Inspector Training

The MCI candidate must meet the required rank and grade structure, be screened to ensure they are properly motivated, have no record of any undesirable traits, and possess the highest standards of personal integrity. Candidates may be commissioned officers; warrant officers; enlisted personnel with the rank of corporal or above; enlisted security or military police personnel, regardless of rank; or DOD civilian employees, GS-5 and above, who are U.S. citizens.

A waiver may be granted by the unified or specified commander for appointment of enlisted personnel below the rank of corporal and other U.S. citizens employed by the DOD as inspectors at specific locations where need for such action can be fully justified. Both Department of the Navy and USCS must approve the waiver. To be eligible for a waiver, the DOD employee must have—

- 1 Undergone a national agency check (NAC) within the past 5 years, and have no break in DOD employment greater than one year.
- 1 Undergone an updated NAC if there has been a break in DOD employment greater than 1 year.
- 1 Successfully completed an USCS-approved training course.
- 1 Been recommended for appointment by both the military coordinator and USCS advisor assigned to the area.

Instruction

An MCI must complete a 3-day, mission-oriented, formal customs school given by an SMCI. The headquarters responsible for the command's military customs inspections is the proponent for the instruction. In addition, the MCI performs OJT for a minimum of 30 days, which should be conducted at the MCI's home station.

Subjects

The MCI is trained in accordance with the requirements of their specific duties (e.g., passenger and baggage inspector, household goods inspector, agriculture inspector). Instruction includes, but is not limited to, the following subjects:

- 1 Introduction and history.
- 1 Passenger and aircraft pre-clearance.
- 1 Customs and agriculture orientation.
- 1 Art of inspection.
- 1 Restricted and prohibited items.
- 1 Exemptions.
- 1 Customs enforcement.
- 1 Military working dog support.
- 1 Illicit drugs.
- 1 Inspection workshops (OJT under supervision).
- 1 Preparation of border clearance forms.
- 1 Smuggling methods and detection techniques.

Retraining

Individuals who have not routinely performed duties as an MCI for at least a 12-month period, or who have received training in a manner other than prescribed by DOD 5030.49-R and other implementing directives, are required to retrain before being appointed as an MCI. The program manager and/or the commander determine the retraining requirements. Retraining requirements are based on the individual's—

- 1 Prior experience.
- 1 Program objectives and requirements knowledge.
- 1 Proven abilities.

Appointments

After successfully completing the requisite training, the student is certified for MCI duty. The PM controls the number of MCIs appointed based on mission requirements.

An MCI assigned full-time customs inspection duty is issued an official, accountable stamp with an identifying number prefixed with a two-letter country identifier code. See figure A-1. Upon completion of an inspection, the MCI stamps and signs the shipping documents to validate the shipment.

EXAMINED/INSPECTED BY

MILITARY CUSTOMS INSPECTOR

NUMBER (e.g., GE 12345)

Unit or Organization and APO/FPO

SIGNATURE

Figure A-1. MCI Validation Stamp.

Military Customs Inspector Employment

Marines trained as MCIs perform their duties according to DOD 5030.49-R, Change 1, and other implementing regulations. They represent their commanders by performing inspections and examinations, reporting violations to their supervisor, and validating shipping documents. The MCIs are employed to inspect DOD-sponsored cargo, military impedimenta, ships and aircraft, vehicles, and personnel.

Department of Defense-Sponsored Cargo Inspections

The DOD-sponsored cargo is subject to inspection and examination under U.S. Federal regulations, which provide that Government imports be inspected and examined to satisfy agricultural and customs requirements (e.g., no contraband, no plant pests). This cargo includes—

- 1 Military support cargo.
- 1 Cargo controlled by DOD in the interest of national security.
- 1 Military aid cargo shipped in U.S. flag aircraft and vessels.
- 1 Military Services exchange cargo.

Military Impedimenta Inspections

The MCIs must inspect and examine military impedimenta, which is military equipment that will be entered into the CTUS. The inspections are conducted before unit moves and/or at the time the equipment is

placed and secured in boxes, crates, containers, sea vans, or similar receptacles for movement. Military impedimenta is equipment that is—

- 1 Owned and controlled by a unit.
- 1 Carried on the unit property records.
- 1 Moved simultaneously or in conjunction with the unit personnel.
- 1 Used by unit personnel while participating in national emergencies, planned exercises, maneuvers, temporary duty, or permanent change of station.

Ship and Aircraft Inspections

Most ships and aircraft are required to undergo predeparture customs inspections. The commanding officer of each military operated ship entering the CTUS is responsible for ensuring that a complete customs inspection has been accomplished before arrival at the U.S. port of entry. The ship or aircraft is inspected to preclude the introduction of illegal drugs, narcotics, and other contraband into the CTUS.

The inspection should be accomplished at the last port-of-call before entry into the CTUS. This permits support from land-based MCI activities at the port and maximizes effectiveness of the inspection. The inspection may be conducted while underway if it is impractical to conduct a predeparture inspection because of mission requirements, size or nature of the ship, inspection resources, or port considerations. The MCI, or the appointed officer, will inspect as a minimum—

- 1 Ship spaces, such as lockers, boats, cargo holds, living areas, and embarked aircraft.
- 1 Cargo and equipment on board, to include organic equipment of units embarked.
- 1 Postal facilities, which include post offices, postal equipment, stowage areas, and drop boxes.

Military-Owned Vehicle Inspections

Military vehicles will be denied access to CTUS until examinations are completed. Drug detection dogs may be used during the military vehicle examinations, which should be conducted before shipment and in the presence of a designated unit representative.

Personnel Inspections

On-board personnel and their baggage are inspected before entering the CTUS. In preparation for clearance

at the U.S. port, personnel must complete a DD Form 1854, *U.S. Customs Accompanied Baggage Declaration*.

The personnel inspection involves observation and/or oral questioning to determine the potential for customs violations. The MCIs examine personal property by physically opening baggage, cartons, and containers and disassembling articles to determine their contents. Examination of personnel involves the physical search for contraband and controlled substances.

Contraband seized by MCIs during inspections before departure from the overseas port is turned over to the appropriate shore-based law enforcement agency. Contraband seized during inspections while underway is turned over to the U.S. Customs official at the U.S. port of entry.

Cleared passengers and crewmembers may be restricted to an area that has controlled access. Access to baggage is restricted and authorized only if determined necessary. If a passenger or crewmember must access baggage, it must be reexamined. Baggage is maintained in a sterile area separate from the passengers.

Established and maintained by MCIs, the sterile area is an enclosed or protected area at origin or en route. This area is used to protect customs cleared passengers, baggage, cargo, aircraft, and vehicles from contact with or intrusion by unauthorized personnel, plants, animal products, and pests.

Reexaminations

Although personnel, household goods, DOD-sponsored cargo, ships and aircraft, and military and privately owned vehicles undergo customs inspections and examinations overseas, they may be reexamined at the U.S. port of entry by U.S. Customs officers or representatives of other Federal border clearance agencies. These spot checks are for validating procedures and standards of the military customs inspection program.

The degree of the inspection is the sole prerogative of the border clearance official(s). Shipments are reexamined if considered suspect by either the MCI, as noted by a red line on the appropriate DD form, or by the border clearance officials.

Identification of Prohibited Items

The following items are identified as prohibited items:

- | Controlled substances as defined by U.S. Federal law, including narcotics, hallucinogenic drugs, amphetamines, barbiturates, marijuana, hashish, and other dangerous drugs.
- | Pornographic articles, books, pictures, or films.
- | Articles produced in Cambodia, Cuba, Vietnam, North Korea, or Rhodesia. Exceptions include articles accompanied with special import licenses issued by the Department of the Treasury and items purchased in a U.S. post exchange, accompanied with a receipt.
- | Goods made by convict labor, forced labor, or indentured labor under penal sanctions.
- | Destructive devices (e.g., explosive caps, hand grenades, tear gas projectiles, and artillery simulators).
- | Flammables.
- | White phosphorus matches.
- | Counterfeit currency, securities, obligations, postage or revenue stamps, and colored illustrations of U.S. or foreign government postage stamps.
- | Unregistered ivory.
- | Abortion causing items.
- | Lottery tickets.

Identification of Restricted Items

The following items are identified as restricted but may be imported under the conditions specified.

Firearms, Ammunition, and Dangerous Devices

The DOD personnel must meet requirements of the Bureau of Alcohol, Tobacco, and Firearms and the USCS before importing firearms and ammunition. Since there are many different provisions involved, the MCI should refer to DOD Regulation 5030.49-R when providing personnel advice on the importation of firearms and ammunition.

Trademark Items

These items are produced outside the United States and bear marks or names that copy or simulate U.S. trademarks or trade names. A trademark item may be imported provided the article is accompanied with the trademark or trade name owner's written consent or if the trademark or trade name has been obliterated.

Foreign Reprints of U.S. Copyrighted Material

If the MCI has no information or evidence immediately available to indicate that the reprints were made without the authorization from the U.S. copyright owner, the items may be imported provided they are intended for personal use.

Knives

Switchblade knives or any knife with a blade that opens automatically by the action of inertia or gravity are restricted. A person who has only one arm may import these knives provided the knife blade does not exceed 3 inches in length.

Liquor and Alcoholic Products

Liquor and alcoholic beverages, to include liquor candy, may be imported provided they are hand-carried and permitted by the destination state laws.

Tobacco Products

These products may be imported provided they are hand-carried.

Prescription Drugs

These drugs may be imported if they are hand-carried.

Gambling Devices

These devices must be registered with the MCI who will determine whether the item or device is legal for import. If considered legal, the device must be accompanied by documentation from the Federal Bureau of Investigation and the state in which the device is to be imported.

War Souvenirs or War Trophy Firearms

War souvenirs must be registered with the MCI. A war trophy firearm must also be accompanied by a DD Form 603, *Registration of War Trophy Firearm*, or prior proof of ownership in the United States.

Currency

Any currency (e.g., gold, dollars, foreign) over \$10,000 must be claimed on applicable DD form.

Agricultural Items

Certain agricultural items may be imported into the CTUS only under specific conditions. In cases where a permit to import such articles is required, the permit must be presented to the MCI at the time of the overseas inspection. Dried, cured, or processed fruits and vegetables (e.g., cured figs and dates, dried peas and beans) are unrestricted. Dutch bulbs in original, commercially packaged containers bearing USDA

certificate of examination are also unrestricted. Restricted plants and plant products include—

- | Fresh fruits and vegetables.
- | Trees, shrubs, and herbaceous plants.
- | Loose bulbs, roots, cuttings, or other parts of plants.
- | Seeds for or capable of propagation.
- | Dried or undried grasses.
- | Various grains, to include hay and straw.
- | Plant leaves, forest litter, and soil (such as that likely to be on vehicles, lawnmowers, and similar items used outdoors).

Animals and Poultry Products

While there are no restrictions on animal trophies that are fully finished for display, there are U.S. Fish and Wildlife Service restrictions on the importation of mounted birds and animals. Special permission to ship these items must be requested by the individual and granted by USCS or authorized representative before leaving the country of origin. Restricted animal and poultry items include—

- | Animals.
- | Poultry.
- | Birds' eggs.
- | Wild bird feathers.
- | Poultry products and by-products.
- | Animal products and by-products, including meat extracts, secretions (e.g., milk, cheese), untreated skins or hides, wool, hair, bone, and horns.

Pets

The pet owner must contact the local transportation office for specific requirements and/or restrictions on the importation of pets, including dogs, cats, and birds.

Inspection and Clearance Waiver Requests

Redeploying or deploying units are required to meet USDA entry requirements before the movement of personnel and cargo. Units desiring USDA waivers or USCS pre-clearance must forward requests through the DOD Executive Agency for Customs (HQDA WASHINGTON DC//DALO-TSP-C//).

If it is deemed impractical or uneconomical to conduct inspections or clearances, the commander initiates and forwards a request for waiver of the requirement through the component headquarters to the DOD Executive Agency. Requests for waiver must be fully

justified and include as a minimum, information concerning the type, amount, and frequency of property, cargo, etc. processed for the CTUS, general information regarding continental United States (CONUS) destination(s), and the availability of MCI personnel.

If the waiver request is approved, personnel in waived locations will attach the appropriate unstamped form to the shipment and annotate in the REMARKS block that the shipment was not inspected because it originated in a waived area.

Duty-Free Entry Inspections

Personal property taken out of the CTUS by the owner and items acquired overseas for the owner's personal use or intended as gifts are authorized duty-free entry. This does not apply to articles taken or shipped to the CTUS as an accommodation for others or for sale, barter, or exchange. To be authorized duty-free entry, articles acquired overseas must be in the member's personal possession and presented to the MCI before shipment to the CTUS.

This exemption is applicable to U.S. Government military and civilian employees (and their family members) who—

- | Were on a tour of duty at least 140 days.
- | Have received orders or termination of assignment.
- | Have received a change of duty assignment.

Individuals excluded from duty-free exemptions are—

- | Employees of private businesses and organizations under contract to the U.S. Government (e.g., Red Cross, American banking facilities).
- | DOD members who return to the CTUS before the sponsored member receives orders.
- | Persons under research fellowships.
- | Peace Corps or United Nations International Children's Emergency Fund employees.

Violations Reporting

The MCI must report customs law and regulation violations to the military police. If military police are performing MCI duties, they report violations to the military police performing law enforcement duties.