

# SUMMARY OF LAWS AND REGULATIONS ENFORCED BY CBP

## TITLE 7 - AGRICULTURE

### **7 U.S.C. §§ 51-65 - *United States Cotton Standards Act***

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.

### **7 U.S.C. §§ 136-136y - *Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act***

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).

### **7 U.S.C. §§ 601-604, 607-624 - *Agricultural Adjustment Act***

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

redeemed 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).

**7 U.S.C. §§ 1641-1642 - *International Wheat Agreement Act of 1949***

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)**

CBP enforces limitations on the importation and entry and withdrawal of textiles and textile products from warehouses for consumption in the U.S. See 19 C.F.R. §§ 12.130-12.132 (2005).

**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)**

CBP assists in the coordinated enforcement of regulations concerning importation under the Textile Import Program. See 19 C.F.R. §§ 12.130-12.132 (2005).

**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.

**7 U.S.C. §§ 3601-3606 - *International Sugar Agreement, 1977***

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

**7 U.S.C. §§ 4601 – 4613 - *Honey Research, Promotion, and Consumer Information Act of 1990***

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).

**7 U.S.C. §§ 4801-4819 - *Pork Promotion, Research, and Consumer Information Act of 1985***

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).

**7 U.S.C. §§ 6101-6112 - *Mushroom Promotion, Research, and Consumer Information Act of 1990***

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.

**7 U.S.C. §§ 7461-7471 – *Kiwifruit Promotion, Research and Consumer Information Act of 1996***

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.

**7 U.S.C. § 8401 – *Agricultural Bioterrorism Protection Act of 2002***

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)(3)(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. §§ 1321-1330 - General Penalty Provisions**

CBP enforces laws prohibiting illegal activity respecting aliens. Statutes of particular relevance include 8 U.S.C. §§ 1323 and 1324, which prohibit illegally bringing in and harboring aliens in the United States, 8 U.S.C. § 1324a, which prohibits the unauthorized employment of aliens, 8 U.S.C. § 1324c, which prohibits and penalizes various actions constituting document fraud, 8 U.S.C. § 1325, which punishes aliens who attempt to enter illegally, and 8 U.S.C. § 1328, which prohibits the importation of aliens for immoral purposes.

**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.

**12 U.S.C. §§ 1951-60 - Bank Secrecy Act**

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.

**12 U.S.C. §§ 3401-3422 - Right to Financial Privacy Act of 1978**

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**

**13 U.S.C. §§ 301-307 - Collection & Publication of Foreign Commerce and Trade Statistics**

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.

**15 U.S.C. §§ 68-68j - Wool Products Labeling Act of 1939**

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).

**15 U.S.C. §§ 69-69j - Fur Products Labeling Act**

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).

**15 U.S.C. §§ 70-77 - Textile Fiber Products Identification Act**

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).

**15 U.S.C. §§ 78dd-1, 78dd-2 - Foreign Corrupt Practices Act of 1977**

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

**15 U.S.C. § 206 - Standard Gauge for Sheet and Plate Iron and Steel**

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

**15 U.S.C. §§ 237-241 - Standard Barrels for Lime**

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).

**15 U.S.C. §§ 291-300 - Gold Labeling Act of 1976**

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.

**15 U.S.C. § 784 - Federal Energy Administration Act of 1974**

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

**15 U.S.C. §§ 1051-1127 - Lanham Trade-Mark Act**

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).

**15 U.S.C. §§ 1171-1178 - *Gambling Devices Act of 1962***

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.

**15 U.S.C. § 1231-1233 - *Automobile Information Disclosure Act***

CBP insures that imported automobiles are properly labeled.

**15 U.S.C. §§ 1241-1245 - *Switchblade Knife Act***

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).

**15 U.S.C. §§ 1261-1278 - *Federal Hazardous Substances Act***

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).

**15 U.S.C. §§ 1331-1340 - *Federal Cigarette Labeling and Advertising Act***

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.

**15 U.S.C. §§ 1451-1461 - *Fair Packaging and Labeling Act***

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).

**15 U.S.C. §§ 1471-1474, 1476 - *Poison Prevention Packaging Act of 1970***

CBP makes sure that imported products are labeled correctly.

**15 U.S.C. §§ 2051-2083 - *Consumer Product Safety Act***

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).

**15 U.S.C. §§ 2101-2106 - *Hobby Protection Act***

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).

**15 U.S.C. §§ 2601-2629 - *Toxic Substances Control Act***

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).

**15 U.S.C. §§ 4401-4408 - *Comprehensive Smokeless Tobacco Health Education Act***

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).

**15 U.S.C. § 4605 - *Export of Semiconductor Manufacturing***

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***

Simplification of Export Administration Regulations, 61 Fed. Reg. 12714 (1998). BXA/EAR General Information, Part 730. Control Policy (license requirements for nuclear, biological/chemical, and missile/delivery systems [NBC&M]), Part 742. End User Controls NBC&M, Part 744. Proliferation Controls NBC&M, Part 778.

**Executive Order 12981**

Establishes license determination and review procedures for exports covered under 15 C.F.R. Pts (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.

**16 U.S.C. §§ 620-620j - *Forest Resources Conservation and Shortage Relief Act of 1990***

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

**16 U.S.C. §§ 668-668d - *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).

**16 U.S.C. §§ 703-708; 709a-711 - *Migratory Bird Treaty Act***

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 the prohibition on the importation of any wild animal or bird. See 19 C.F.R. § 12.26 (2005), 50 C.F.R. Part 10 (2005).

**16 U.S.C. §§ 773-773k - *Northern Pacific Halibut Act of 1982***

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.

**16 U.S.C. §§ 916-916-I - Whaling Convention Act of 1949**

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

**16 U.S.C. §§ 951-953; 955-961 - Tuna Convention Act of 1950**

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.

**16 U.S.C. §§ 1151-1175 - Fur Seal Act of 1966 as amended**

CBP enforces prohibitions against the importation or possession of fur seals and sea otters. See 19 C.F.R. §§ 12.60-12.63 (2005).

**16 U.S.C. §§ 1361-1362; 1371-1407, 1421a-1421h - Marine Mammal Protection Act of 1972 as amended**

CBP enforces the prohibition against importation of marine mammals taken in violation of the Act and aids in enforcement of the penalty provisions. See 19 C.F.R. § 12.30 (2005); 50 C.F.R. Parts 10, 17, 18, and 216 (2005).

**16 U.S.C. §§ 1411-1418 - International Dolphin Conservation Act of 1992**

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

**16 U.S.C. §§ 1531-1543 - Endangered Species Act of 1973**

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).

**16 U.S.C. §§ 1801-1802, 1811-1813, 1821-1826, 1851-1862, 1881-1882, - Magnuson Fishery Conservation and Management Act**

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.

**16 U.S.C. §§ 2401-2412 - Antarctic Conservation Act of 1978**

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

**16 U.S.C. §§ 3371-3378 - Lacey Act Amendments of 1981**

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).

**16 U.S.C. §§ 1538, 4201, 4203, 4211-4213, 4221-4225, 4241-4245 - African Elephant Conservation Act (AECA)**

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

**16 U.S.C. §§ 4901-4916 - Wild Bird Conservation Act of 1992**

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

**16 U.S.C. §§ 5301-5306 - Rhinoceros and Tiger Conservation Act of 1994**

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 the provisions of this Act, which prohibit or restrict the importation of certain copyrighted works. 37 C.F.R. Part 201 (2005); 19 C.F.R. §§ 133.31-133.53 (2005). See also 18 U.S.C. § 2319 for criminal penalty provisions relating to violations of 17 U.S.C. § 506(a).

### **17 U.S.C. §§ 901-914 - *Semiconductor Chip Production Act of 1984***

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

### **17 U.S.C. §§ 1001-1010 - *Audio Home Recording Act of 1992***

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.

### **17 U.S.C. §§ 1301-1328 – *Protection of Original Designs***

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

### **18 U.S.C. §§ \*\* - *Economic Espionage Act of 1996***

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 the laws affecting the importation of mammals, birds, fish, amphibia and reptiles. 50 C.F.R. Parts 10, 13 and 16 (2005); 19 C.F.R. §§ 12.26 - 12.29 (2005).

### **18 U.S.C. § 48 – *Depiction of Animal Cruelty***

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.

### **18 U.S.C. §§ 175-178 – *Biological Weapons Anti-Terrorism Act of 1989***

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).

### **18 U.S.C. §§ 205-225 - *Bribery Detection***

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).

#### **18 U.S.C. §§ 511-512 - Motor Vehicles**

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.

#### **18 U.S.C. § 543 - Entry of Goods for Less than Legal Duty**

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

#### **18 U.S.C. § 544 - Relanding of Goods**

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.

#### **18 U.S.C. § 547 - Depositing Goods in Buildings on Boundaries**

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.

#### **18 U.S.C. § 550 - False Claim for Refund Duties**

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**

CBP enforces import restrictions on fireworks and nuclear materials. 49 C.F.R. Parts 171, 173, 179 and 195 (2005); 46 U.S.C. § 870.

**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**

CBP enforces restrictions on the importation of firearms and the possession of firearms by aliens. 27 C.F.R. Parts 47, 178, 179 (2005) and 19 C.F.R. §§ 145.53, 145.59 (2005).

**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.

**18 U.S.C. §§ 960-967 - Exportation of Armed Vessels, Arms, Liquor and Narcotics**

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

**18 U.S.C. §§ 981-982, 984 - Money Laundering**

CBP' 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.

**18 U.S.C. §§ 1761-1762 - Transportation or Importation of Prison-Made Goods**

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.

**18 U.S.C. §§ 1951, 1961-1968 - *Anti-Racketeering Act***

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

**18 U.S.C. §§ 1956, 1957, 1960, 981-982, 984 - *Money Laundering Control Act of 1986***

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.

**18 U.S.C. §§ 2251-2260 - *Child Protection Act of 1984, as amended by the Child Protection Restoration and Penalties Enhancement Act of 1990, as amended by the Child Pornography Protection Act of 1996.***

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.

**18 U.S.C. § 2311 note - *Anticounterfeiting Consumer Protection Act of 1996***

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.

## **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.

### **19 U.S.C. §§ 68, 69 - Erection of Buildings**

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).

#### **19 U.S.C §§ 130-131 - Country of Origin**

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.

#### **19 U.S.C. §§ 1202-1677 - Tariff Act of 1930, as amended**

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.

#### **19 U.S.C. § 1308 - Dog and Cat Protection Act of 2000**

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

#### **19 U.S.C. §§ 1431, 1484, 1526 - Anticounterfeiting Consumer Protection Act of 1996**

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.

#### **19 U.S.C. §§ 1751-1756 - Trade Fair Act of 1959**

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.

#### **19 U.S.C. §§ 1801-1821, 1823-1830, 1847-1860, 1862, 1864-1879, 1872, 1874-1881, 1883-1888 - Trade Expansion Act of 1962**

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.

#### **19 U.S.C. §§ 2001-2033 - Automotive Products Trade Act of 1965**

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.

#### **19 U.S.C. §§ 2101-2495 - Trade Act of 1974, as amended**

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.

#### **19 U.S.C. §§ 2501-2581 - Trade Agreements Act of 1979**

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

**19 U.S.C. §§ 2601-2613 - Convention on Cultural Property**

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

**19 U.S.C. §§ 2701-2707 - Caribbean Basin Economic Recovery Act**

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

**19 U.S.C. §§ 3001-3012 - Implementation of the Harmonized Tariff Schedule**

CBP administers this Act, which implements the nomenclature established by the International

Convention on the Harmonized Commodity Description and Coding System.

**19 U.S.C. §§ 3201-3206 - Andean Trade Preference Act**

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

**19 U.S.C. §§ 3301-3473 - United States-Canadian Free Trade Agreement Implementation Act of 1988**

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 the preparation, sale and importation of any worthless or harmful virus, serum, toxin or analogous product for use in the treatment of domestic animals without a permit. CBP enforces the regulations of the Department of Agriculture by detaining unauthorized importations or supervising export of such shipments. See 9 C.F.R. Part 101-107 (2005); 19 C.F.R. §§ 12.17-12.24 (2005). Special rules apply to such importations from Canada. See 21 U.S.C. § 152.

**21 U.S.C. §§ 301-394 - Federal Food, Drug and Cosmetic 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).

#### **21 U.S.C. §§ 601-624 - *Federal Meat Inspection Act***

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).

#### **21 U.S.C. §§ 801, 802, 814, 830, 841-44, 853, 881, 959-60 - *Comprehensive Methamphetamine Control Act of 1996***

CBP enforces the provisions of this Act.

#### **21 U.S.C. §§ 801, 802, 830, 841-843, 872, 876, 881, 960, 961, 972 - *Chemical Diversion and Trafficking Act of 1988***

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***

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).

**22 U.S.C. §§ 401, 406, 408, 421-422 - Exportation of War Materials**

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).

**22 U.S.C. § 454 - Unlawful Use of American Flag**

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.

**22 U.S.C. § 2304 - Human Rights and Security Assistance**

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.

**22 U.S.C. §§ 2349aa-2 - Antiterrorism and Effective Death Penalty Act of 1996** [Cuba, North Korea, Iraq, Libya, Syria and Sudan]

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 exportations 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**

Licensing, denial of transfer of missile equipment or technology by U.S. persons who knowingly engage in trade in violation of 22 U.S.C. § 2778.

**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.

**22 U.S.C. § 3201 - Congressional Declaration of Policy (Nuclear Nonproliferation Controls).**

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.

**22 U.S.C. §§ 6001-6010 - Cuban Democracy Act of 1992**

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

**22 U.S.C. § 6021 note - The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996**

Same fines as TWEA above and codifies the Cuban Assets Control Regulations.

**TITLE 22 - CODE OF FEDERAL 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**

### **26 U.S.C. §§ 4461-4462 - Harbor Maintenance Tax**

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 collects internal revenue taxes on tobacco products and cigarette papers and tubes, imported or brought into the United States. The taxes are to be collected, accounted for, and deposited as internal revenue collections by the District Director of CBP. See 27 C.F.R. § 275.62 (2005). CBP also collects internal revenue taxes on tobacco products and cigarette papers and tubes, imported or brought into the United States that must be paid by electronic fund transfer (EFT). See 27 C.F.R. § 275.63 (2005). CBP inspects at the port of entry Puerto Rican tobacco products and cigarette papers and tubes, brought into

the United States. See 27 C.F.R. §§ 275.101-141 (2005).

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 lading 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

### **31 U.S.C. §§ 5301-5326 - *Currency and Foreign Transactions Reporting Act, as amended***

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

### **31 C.F.R. Part I, Subpart A, Sec. 1.1-1.7 (2005)- *Freedom of Information Act, 5 U.S.C. § 552***

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 I, Subpart C, Sec. 1.20-1.36 (2005) - *Privacy Act of 1974, 5 U.S.C. § 552a***

CBP administers regulations issued to implement the provisions of the Privacy Act of 1974 (5 U.S.C. § 552a).

### **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.

### **31 C.F.R. Part 535 (2005) - Iranian Assets Control Regulations & 31 C.F.R. Part 560 (2005) - Iranian Transactions Regulations**

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).

### **31 C.F.R. Part 550 (2005) - Libyan Sanctions Regulations**

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

### **31 C.F.R. Part 575 (2005) - Iraqi Sanctions Regulations**

CBP enforces these regulations, which prohibit unauthorized transactions with Iraq, including importations and exportations 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.

### **31 C.F.R. Part 590 (2005) - UNITA (Angola) Sanctions Regulations**

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.

### **31 C.F.R. Part 596 (2005) - Terrorism List Governments Sanctions Regulations**

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.

### **33 U.S.C. § 1518 - Deepwater Port Act of 1974**

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).

### **33 U.S.C. § 2236 - Harbor Development and Navigation Improvement Act of 1986**

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.

### **33 U.S.C. § 2605 - Shore Protection Act of 1988**

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

## **TITLE 35 - PATENTS**

### **35 U.S.C. §§ 154, 271 - Process Patent Amendments Act of 1988**

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**

### **39 U.S.C. §§ 604-606 - Private Carriage of Letters**

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, serums, toxins, antitoxins 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. §§ 263b-263n - Radiation Control for Health and Safety Act of 1968 as amended**

CBP refuses entry to all electronic products found not to be in compliance with standards prescribed under

this Act. See 19 C.F.R. § 12.90-12.91 (2005); 21 C.F.R. Part 1005 (2005).

#### **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).

#### **42 U.S.C. §§ 2077, 2099, 2111, 2122, 2131, 2133, 2138, 2155, 2156, and 2157 - Atomic Energy Act of 1954 as amended**

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).

#### **42 U.S.C. §§ 4901-4918 - Noise Control Act of 1972**

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



**42 U.S.C. §§ 5401-5426 - *National Manufactured Housing Construction And Safety Standards Act of 1974 as amended***

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

**42 U.S.C. § 14081 - *The Violent Crime Control and Law Enforcement Act of 1994***

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.

**42 U.S.C. §§ 6201-6422 - *Energy Policy and Conservation Act***

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

**42 U.S.C. § 6938 - *Resource Conservation and Recovery Act of 1976***

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**

**43 U.S.C. §§ 1331-1343, 1801-1866 - *Outer Continental Shelf Lands Act as amended***

CBP enforces customs and navigation laws on the subsoil and seabed of the outer Continental Shelf and

defines fixed structures erected thereon. See 19 U.S.C. § 1433, 19 U.S.C. § 1436, 19 C.F.R. § 4.2 (2005) and 19 C.F.R. § 4.30 (2005).

## **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 of 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).

**46 U.S.C. §§ 5101-5114, 5116 - *Load Lines***

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).

#### **46 U.S.C. §§ 7302-7319, 8103, 8701-8704 - Merchant Mariner Documents and Manning of Vessels**

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 mortgagee 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 salvaged 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).

#### **46 U.S.C. App. §§ 121-135 - Tonnage Duties Acts**

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).

#### **46 U.S.C. App. §§ 817d, 817e - Financial Responsibility of Vessel Owner**

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. §§ 883a-883b - Report of Foreign Rebuilding of U.S. Vessel**

U.S. vessels are required to report to CBP any repairs or rebuilding of vessel in foreign ports. Failure to report subjects vessel to forfeiture. 19 C.F.R. §§ 4.7, 4.14 (2005).

#### **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.

#### **46 U.S.C. App. §§ 1901-1904 - Maritime Drug Law Enforcement Act**

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

#### **46 U.S.C. App. §§ 5101-5116; 14513, 14701 - Load Line Acts**

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**

CBP enforces this provision, which prohibits the importation of television receivers incapable of receiving all frequencies allocated to television broadcasting. 47 C.F.R. §§ 15.115, 15.117 - 15.119 (2005).

#### **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 willfully 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 § 1406i – 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 coasting 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.

**48 U.S.C. § 1664 - Coastwise Shipping Laws of United States Inapplicable**

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.

**48 U.S.C - § 1801, Note - Compact of Free Association: Federated States of Micronesia, Republic of Marshall Islands**

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

[NOTE: 103 P.L. 272. (Recodification of Title 49). Changes include new 19 U.S.C. § 1644a concerning ports of entry for aircraft (former 49 U.S.C. § 1509) and clearance and entry penalties (former 49 U.S.C. § 1474); § 40904 amending former 49 App § 1357(note) concerning CBP coordination with other agencies in assessing security at airports, and new § 80503 amending former 49 App. § 1741 concerning payments of not more than \$25 for inspection and quarantine services. Also, amendments to 15 U.S.C. § 1397 concerning prohibition on importation of noncomplying motor vehicles and equipment.]

### **49 U.S.C. §§ 5101-5127 - Hazardous Materials Transportation Act**

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.

### **49 U.S.C. §§ 30101-30169 - National Traffic and Motor Vehicle Safety Act of 1966**

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.

### **49 U.S.C. §§ 32501-32511 - National Traffic and Motor Vehicle Safety Act of 1966 (Bumper 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).

### **49 U.S.C. § 33101-33118 - National Traffic and Motor Vehicle Safety Act of 1966 (Theft Prevention)**

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.

### **49 U.S.C. § 41703 - Federal Aviation Act of 1958**

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.

#### **49 U.S.C. § 46306 - Federal Aviation Act of 1958**

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).

#### **49 U.S.C. § 46312 - Hazardous Materials Transportation Act**

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

#### **49 U.S.C. § 46315 - Federal Aviation Act of 1958**

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. § 802 (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) (ATF Procedures and Disposition of Personal Property) 31 C.F.R. Part 401-406 (2005) (seizure authority of Secret Service agents).

#### **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]

#### **50 U.S.C. § 98h-4 - National Defense Stockpile Amendments of 1987**

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 not listed as a Communist-dominated country



or area in general note 3(b) of the Harmonized Tariff Schedules.

#### **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 custom-house 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).

**50 U.S.C. § 1701 note - *Iran and Libya Sanctions Act of 1996***

See IEEPA above.

**50 U.S.C. App. §§ 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).

***The Antiterrorism and Effective Death Penalty Act of 1996***, Pub. L. 104-132 [Cuba, North Korea, Iran, Iraq, Libya, Syria and Sudan] [Terrorism Sanctions Regulation and Terrorism List Governments Sanctions Regulations 31 C.F.R. Part 595, 596 (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.

**50 U.S.C. App. §§ 2061-2170 - *Defense Production Act of 1950***

CBP ensures that shippers' declarations and manifests conform to the Act's requirements associated with the transportation and/or export of certain commodities. 44 C.F.R. §§ 401 (2005), 19 C.F.R. § 4.74 (2005), and 15 C.F.R. Part 700 (2005).

**50 U.S.C. App. §§ 2401-2420 - *Export Administration Act of 1969*** [See also 22 U.S.C. and 42 U.S.C.]

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, 917 - 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.