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Building Blocks of Trade Compliance

Week 2
Importing

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THE IMPORTING PROCESS



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THE IMPORTING PROCESS

- Each import transaction involves commercial, regulatory, and logistics requirements.
- Begins with a sales contract between seller in one country and buyer in second country for the sale of goods.
- Contract serves commercial and legal purposes.
- Contract identifies the goods, price, and quantity, and also provides legal protection and requirements for the buyer and seller.



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THE IMPORTING PROCESS

- Seller prepares documents for the transaction, such as invoice, and turns goods over to third party logistics provider.
- Carriage of the goods is typically handled by a freight forwarder that hires a shipping line.
- Shipping line issues a bill of lading covering the goods.

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THE IMPORTING PROCESS

- Seller complies with its country's export clearance formalities, such as export controls.
- The buyer's agent, typically a customs broker, is notified when goods arrive in United States.
- Broker prepares customs entry documentation and obtains clearance from U.S. Customs to remove the goods from the port.
- Buyer's trucker presents the bill of lading and drives away with the goods.

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THE ENTRY PROCESS

- Entry is the physical act of moving goods into the country, as well as the legal term for filing the papers required to import the goods.
- The act of entering merchandise includes filing paper or electronic documents with US Customs and Border Protection with sufficient information to allow Customs to determine whether to release the goods.

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ENTRY PROCESS

- Entry also includes the filing of information relating to classification, value, and rate of duty.
- As a physical act, entry means the movement of merchandise from Customs custody into US commerce.
- Customs custody as a legal term means that Customs has not yet released goods.
- As a physical term, Customs custody is a secured area within which uncleared merchandise is stored.

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ENTRY PROCESS

- Distinguish entry from "importation", which is the arrival of vessel or aircraft within a port of entry with intent to discharge cargo, or of arrival of conveyance within US customs territory (e.g., train or vehicle).
- Certain imports are exempted from entry, e.g., IIT, corpses, railway cars in transit, etc.

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ENTRY PROCESS

- Consumption entry filing required within 15 days after arrival of merchandise in a US port of entry, but may be extended. Merchandise may be held by Customs at the importer's expense if this isn't met.
- Physical release of the merchandise follows presentation of the entry papers and any examination. Goods may be subject to redelivery if release determined to be improper.

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ENTRY PROCESS

- Entry documentation must include (1) Customs entry form 3461, (2) evidence of right to make entry, i.e., documentation showing ownership, such as bill of lading, or carrier's delivery to the person making entry, (3) commercial invoice, (4) packing list, and (5) any documentation required by other government agencies.
- Entry documentation may be filed before the goods arrive.

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ENTRY PROCESS

- Importer must have a surety bond, either general term or per-entry.
- Importer must also have issued a power of attorney if entry is being effected by a customs broker.
- Entry summary must be filed within 10 days after the date of entry, with estimated duties attached. Entry summary includes documentation concerning product, value, etc.

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ENTRY PROCESS

- Thus, full paperwork may follow release of goods from Customs custody.
- Late filing may result in liquidated damages claim.
- Entry summary may be required at time of entry or at least prior to release of goods, when importer has been delinquent with payment, has filed late, is a deadbeat, etc. Also for certain classes of goods, particularly those subject to quota. This is called a live entry.

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ENTRY PROCESS

- Right to make entry limited to owner or purchaser of goods or someone with financial interest or appointed customs broker licensed by Customs to conduct business on behalf of others.
- Immediate delivery entry may be authorized by Customs for certain types of shipments.

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ENTRY PROCESS

- Turning to the physical movement of the goods: merchandise arriving in the US is considered to be in Customs custody until it is released. Customs can examine the merchandise, and hold onto it pending submission of complete and satisfactory documentation.

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ENTRY PROCESS

- The importer can seek a permit for immediate delivery, under which the entry is filed before the goods land in the US, and will be moved from Customs custody expeditiously upon the importer's presentation of proof that it has the right to the goods. Not available for certain merchandise, may be revoked.
- Different types of entries from which importer can choose depending on circumstances.

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ENTRY PROCESS

- Consumption entry. Most common, used for merchandise to be used or sold in the U.S.
- Requires payment of duties, permits unrestricted uses in the U.S.
- Transportation and exportation (T&E) entry. "In bond" movement of goods to be exported.
- "In bond" entry. Covers movement from port of arrival to port of destination.
- Bonded warehouse entry.

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HTSUS 8910.10.00	Action Description	USP of country	RHSIC 2017	
			1	2
8910.10.00	Spig, cocks, valves and similar appliances, for pipes, boiler shells, tanks, vats or the like, including pressure-reducing valves and thermostatically controlled valves, cast or wrought iron or steel	3%	From (A*, AU, B, BR, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, S, SG)	40%
20	Hydraulic full power type			
40	Pressure full power type			
60	Other			
80	Other			
8910.20.00	Valves for steam, hydraulic or pneumatic transmission	2%	From (A*, AU, B, BR, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, S, SG)	40%
10	Hydraulic valves			
20	Directional control			
40	Manual type			
60	Solenoid type			
80	Other			
90	Flow control type			
95	Other			
98	Directional control			
99	Solenoid type			
99	Other			

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HTSUS 8481.30.10	Action Description	USP of country	RHSIC 2017	
			1	2
8481.30.10	Spig, cocks, valves and similar appliances, for pipes, boiler shells, tanks, vats or the like, including pressure-reducing valves and thermostatically controlled valves, cast or wrought iron or steel	3%	From (A*, AU, B, BR, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, S, SG)	40%
10	Of copper			
20	Having a pressure rating under 850 kPa			
30	Having a pressure rating of 850 kPa or over			
40	Of iron or steel			
50	Of iron			
60	Of steel			
70	Other			
80	Other			
8481.40.00	Safety or relief valves	2%	From (A*, AU, B, BR, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, S, SG)	50%

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General Note 3 (excerpt)

(b) **Rate of Duty Column 2.** Notwithstanding any of the foregoing provisions of this note, the rates of duty shown in column 2 shall apply to products, whether imported directly or indirectly, of the following countries and areas pursuant to section 401 of the Tariff Classification Act of 1962, to section 231 or 257(e)(2) of the Trade Expansion Act of 1962, to section 404(a) of the Trade Act of 1974 or to any other applicable section of law, or to action taken by the President thereunder:

Cuba	North Korea
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(c) **Products Eligible for Special Tariff Treatment.**

(i) Programs under which special tariff treatment may be provided, and the corresponding symbols for such programs as they are indicated in the "Special" subcolumn, are as follows:

Generalized System of Preferences	A, A' or A+
United States-Australia Free Trade Agreement	AJ
Automotive Products Trade Act	B
United States-Bahrain Free Trade Agreement Implementation Act	BH
Agreement on Trade in Civil Aircraft	C
North American Free Trade Agreement:	
Goods of Canada, under the terms of general note 12 to this schedule	CA
Goods of Mexico, under the terms of general note 12 to this schedule	MX
United States-Chile Free Trade Agreement	CL
African Growth and Opportunity Act	D
Caribbean Basin Economic Recovery Act	E or E'
United States-Israel Free Trade Area	IL
United States-Jordan Free Trade Area Implementation Act	JO
Trade Agreement Between the United States and Japan	JP
Agreement on Trade in Pharmaceutical Products	K

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General Note 3 (excerpt)

Dominican Republic-Central America-United States Free Trade Agreement Implementation Act	P or P+
Uruguay Round Concessions on Intermediate Chemicals for Dyes	L
United States-Caribbean Basin Trade Partnership Act	R
United States-Korea Free Trade Agreement Implementation Act	MA
United States-Singapore Free Trade Agreement	SG
United States-China Free Trade Agreement Implementation Act	CM
United States-Peru Trade Promotion Agreement Implementation Act	PE
United States-Korea Free Trade Agreement Implementation Act	KR
United States-Colombia Trade Promotion Agreement Implementation Act	CO
United States-Bahrain Trade Promotion Agreement Implementation Act	BA
Nepal Preference Program	NP
United States-Mexico-Canada Agreement	3 or 3+

(i) Articles which are eligible for the special tariff treatment provided for in general notes 4 through 14 and which are subject to temporary modification under any provision of subchapters I, II and VII of chapter 99 shall be subject, for the period indicated in the "Effective Period" column in chapter 99, to rates of duty as follows:

(A) If a rate of duty for which the article may be eligible is set forth in the "Special" subcolumn in chapter 99 followed by one or more symbols described above, such rate shall apply in lieu of the rate followed by the corresponding symbol set forth for such article in the "Special" subcolumn in chapters 1 to 98, or

(B) If "No change" appears in the "Special" subcolumn in chapter 99 and subcolumn (C)(9)(A) above does not apply, the rate of duty in the "General" subcolumn in chapter 99 or the applicable rate(s) of duty set forth in the "Special" subcolumn in chapters 1 to 98, whichever is lower, shall apply.

(ii) Unless the context requires otherwise, articles which are eligible for the special tariff treatment provided for in general notes 4 through 14 and which are subject to temporary modification under any provision of subchapters III or IV of chapter 99 shall be subject, for the period indicated in chapter 99, to the rates of duty in the "General" subcolumn in such chapter.

(iii) Whenever any rate of duty set forth in the "Special" subcolumn in chapters 1 to 98 is equal to or higher than, the corresponding rate of duty provided in the "General" subcolumn in such chapters, such rate of duty in the "Special" subcolumn shall be deleted, except that, if the rate of duty in the "Special" subcolumn is an intermediate stage in a series of staged rate reductions for that provision, such rate shall be treated as a suspended rate and shall be set forth in the "Special" subcolumn, followed by one or more symbols described above, and followed by an "N" in parentheses. If no rate of duty for which the article may be eligible is provided in the "Special" subcolumn for a particular provision in chapters 1 to 98, the rate of duty provided in the "General" subcolumn shall apply.

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ENTRY PROCESS

- Foreign-trade zone entry.
- Temporary importation under bond (TIB).
- New, additional security entry requirements now imposed under Customs "10 + 2" program.
- Carriers and importers required to provide information regarding cargo and parties involved in the transaction.
- Information must be provided before cargo arrives in U.S.

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LIQUIDATION PROCESS

- Consumption entries undergo "liquidation", i.e., the final determination of customs duty liability.
- Liquidation takes place within 1 year of entry unless extended; typically, within 318 days.
- Customs can increase or decrease duties owed at liquidation.
- Importer can protest decisions in liquidation through administrative appeal to Customs.

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ADDITIONAL DUTY-SAVING PROCEDURES

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Foreign-Trade Zones and Subzones

- A foreign-trade zone (FTZ) is a designated area in the U.S. that is considered outside of U.S. Customs territory.
- Merchandise may be placed in a FTZ for any lawful purpose, for example, storage, inspection, display, packing/ repacking, exportation, destruction, manufacturing. FTZ goods not subject to quotas or most state and local taxes, but are subject to health and safety laws.
- Duties are not charged upon entry of merchandise into FTZ, but only upon withdrawal for consumption. FTZ therefore provides duty deferral or avoidance options.

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Foreign-Trade Zones and Subzones

- No duties charged on merchandise exported from or destroyed in FTZ.
- FTZs located in ports, operated as public utilities, typically available to any person that wants to place merchandise in them.
- Foreign-trade subzones have similar features, except typically operated as private facilities.
- Subzones often used for manufacturing purposes, because they offer operators the ability to favorably change the tariff classification of imported materials.

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Foreign-Trade Zones and Subzones

- Subzone operator has option of determining classification of imported materials based on condition at time of entry into subzone ("privileged" status) or condition at time of withdrawal from subzone ("non-privileged" status.)
- Example: for a part incorporated into finished product in subzone, operator may declare privileged status to fix classification of part as of date of entry into subzone.

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Foreign-Trade Zones and Subzones

- Alternatively, operator may accept non-privileged status so that imported part is classified as finished product.
- Choice of privileged or non-privileged status hinges on whether duty rate on finished product is higher or lower than that on part.
- No duty assessed on value added in subzone or on parts of U.S. origin, so duty assessed only on value of part at rate determined based on whether privileged or non-privileged status declared.
- Strict record-keeping and security requirements.

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Customs Bonded Warehouse

- Designated structure that is considered outside of U.S. Customs territory .
- Imported goods may be stored, packed/repacked, sorted, inspected, assembled, destroyed, or "manipulated" in warehouse, but cannot be manufactured there.
- No duty liability unless and until goods entered for consumption into U.S. Customs territory.
- Warehouses therefore provide duty avoidance or deferral options.

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Drawback

- Drawback is the refund of 99% of customs duties paid on imported merchandise when that merchandise is subsequently exported.
- Policy underlying drawback law is to encourage location of export operations in U.S.
- Various kinds of drawback offer great flexibility for U.S. producers and exporters.
- "Direct identification same condition drawback" is simplest in concept and execution.
- Exact same items that were imported get exported, and they cannot have undergone extensive processing in the U.S. (sorting, packing, trimming acceptable).

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Drawback

- "Substitution same condition drawback" permits refund of duties upon export of goods that are commercially interchangeable with those that were imported. "Commercially interchangeable" standard may be strictly interpreted by U.S. Customs.
- "Direct identification manufacturing drawback" involves export of finished product that incorporates imported part.
- "Substitution manufacturing drawback" permits use of imported and domestic parts that are of same kind and quality.

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Drawback

- Drawback claims must be filed within three years of the date of importation.
- Party claiming drawback must prove the goods were imported and exported; exportation may require Customs supervision.
- Drawback rights may be assigned, for example, when importer and exporter are different parties.

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Temporary Importation Bond

- Temporary importation bonds (TIBs) permit temporary importation of certain types of merchandise, as long as the merchandise is subsequently exported or destroyed.
- TIB entries are not subject to payment of duties or consumption entry formalities.
- Rather, the bond provides U.S. Customs with security that the goods will not be improperly maintained in the United States.
- TIB good for one year period, may be extended to three.

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Temporary Importation Bond

- Classes of goods covered by TIBs are set forth in Customs regulations.
- For example, items imported for display, repair, testing, use in sporting events, or manufacturing into other items; samples; or tools of trade and other professional equipment.
- Duties and penalties assessed if importer cannot prove goods were exported or destroyed.

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ATA Carnet

- A carnet is a form of TIB that permits duty-free movement of goods across borders for one-year period of time.
- No limit on number of cross-border movements.
- Used for commercial samples, tools of trade, professional equipment.
- Carnet is a form of bond issued by a private company, which is liable if goods not exported or destroyed within one year period.

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Generalized System of Preferences

- Generalized System of Preferences (GSP) provides duty-free status to goods produced in and imported from designated beneficiary developing countries. (BDCs)
- GSP eligible goods designated by "A" in "Special" rate of duty column.
- Three requirements for goods to qualify for GSP status.
- First, any materials, components etc. imported into BDC from third country must be "substantially transformed" by manufacturing process.

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Generalized System of Preferences

- Second, the production process in the BDC must result in at least 35% "value added" in that country.
- Value determined by comparing purchase price of non-BDC materials with sale price of finished product.
- Third, product must be "directly exported" from BDC to United States. It cannot enter the commerce of a third country, but can transship the third country and undergo minor processing (such as inspection and repacking) there.

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Caribbean Basin Initiative/Caribbean Basin Economic Recovery Act

- Caribbean Basin Initiative (CBI) and Caribbean Basin Economic Recovery Act (CBERA) provide duty-free status to goods of certain Caribbean and Central American countries.
- Three requirements for goods to qualify for CBI/CBERA status.
- First, any materials, components etc. imported into CBI/CBERA country from third country must be "substantially transformed" by manufacturing process.

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Caribbean Basin Initiative/Caribbean Basin Economic Recovery Act

- Second, the production process in the CBI/CBERA country must result in at least 35% "value added" in that country.
- Value determined by comparing purchase price of non-BDC materials with sale price of finished product.
- CBERA permits up to 20% of the 35% value added to be value of U.S. origin.

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Caribbean Basin Initiative/Caribbean Basin Economic Recovery Act

- Third, product must be "directly exported" from BDC to United States. It cannot enter the commerce of a third country, but can transship the third country and undergo minor processing (such as inspection and repacking) there.
- CBI/CBERA-eligible goods designated by "E" in "Special" rate of duty column.

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Foreign Assembly of U.S. Components

- HTS item 9802.00.80 (better known by its former designation, "Item 807") permits a reduction of the dutiable value for certain imported products to exclude the value of U.S.-origin components used in their assembly.
- For qualifying products, the dutiable value is the sale price, minus the value of the U.S. components.
- To qualify, there must be a foreign assembly operation, defined to include "any method used to join or fit together solid components, such as welding, soldering, riveting, force fitting, gluing, laminating, sewing, or the use of fasteners."

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Foreign Assembly of U.S. Components

- Certain operations excluded, including mixing or combining of liquid gases, chemicals, food ingredients and amorphous solids, and knitting and weaving operations.
- In addition, the U.S. components must be "fabricated components of United States origin", that were "exported in condition ready for assembly without further fabrication".
- A fabricated component is a manufactured article ready for assembly in the condition as exported for operations incidental to the assembly.

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Foreign Assembly of U.S. Components

- The U.S. component cannot undergo further manufacturing abroad.
- Rather, certain minor operations which are "incidental to the assembly process", such as cleaning, removal of rust, grease, paint or other preservative coatings, application of preservative paint or coatings, trimming, filing or cutting off of small amounts of excess materials, minor adjustments in shape or form prior to assembly, cutting to length of certain narrow-width materials, and final calibration, testing, marking, sorting, pressing and folding of assembled articles, are permitted.

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Foreign Assembly of U.S. Components

- A "fabricated component" may be considered to have originated in the United States if it contains foreign materials, as long as the component was "substantially transformed" in the United States.

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CUSTOMS COMPLIANCE PROCEDURES

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Customs COMPLIANCE Procedures

- U.S. Customs has adopted "informed compliance" as the basis for importers to comply with Customs laws and regulations.
- Informed compliance requires importers to share enforcement responsibility with Customs through maintenance of records and use of "reasonable care" in import transactions.
- An importer is expected to demonstrate both compliance with the law and adoption of processes to ensure compliance.

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Customs COMPLIANCE Procedures

- Importers that can demonstrate they have proper procedures in place are subject to less scrutiny by Customs, such as fewer audits and a lower incidence of cargo inspections.
- By contrast, importers who are deemed problematic are given far more attention by Customs.
- Basis for this approach was set forth in the Customs Modernization Act of 1993.

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Customs COMPLIANCE Procedures

- Benefits:
- Faster, more efficient clearance of cargoes;
- Less day-to-day Customs involvement in their transactions;
- Account-based processing of trade transactions, with a centralized focus for questions, and a uniform written response;
- National Entry Processing (remote location filing);

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Customs COMPLIANCE Procedures

- Import Activity Summary Statement processing (i.e., weekly or monthly Customs entries);
- Certification of compliance programs;
- Reduced chance of penalties or additional duty liabilities.

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INFORMED COMPLIANCE

- Customs has a legal duty to inform importers and exporters of their rights and obligations under the Customs laws and regulations.
- Customs carries out this mandate by making critical information widely available to the importing and exporting public, including rulings, internal advice memoranda, and protest review decisions, and by publishing notice of any proposed change in a precedential ruling and providing opportunity for comment.

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INFORMED COMPLIANCE

- Customs also must permit importers to establish voluntary "compliance programs" for recordkeeping and drawback.
- Importers are not required to familiarize themselves with applicable rulings and similar precedents, but the law provides benefits and incentives for those that do.

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REASONABLE CARE

- Importers are required to use "reasonable care" in their importing activities by taking the following actions:
- File such documentation or electronic data as necessary to enable Customs to determine whether the merchandise may be released from Customs custody; and

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REASONABLE CAre

- Complete the entry by furnishing Customs with the declared value, classification and rate of duty applicable to the merchandise, and such other information as needed to enable Customs to:
 - (i) properly assess duties;
 - (ii) collect accurate statistics; and
 - (iii) determine whether other legal requirements are met.

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REASONABLE CAre

- The "reasonable care" requirement establishes a "shared responsibility" between Customs and the trade community. Customs should be able to rely on the information furnished by the importer; the importer should be able to expect quicker release of its merchandise.
- An importer must use "reasonable care" in, among other things:

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REASONABLE CAre

- Furnishing information sufficient to allow Customs to determine the final classification and value of goods;
- Taking measures which lead to and assure the preparation of accurate documentation;
- Providing sufficient financial and pricing information to permit proper valuation of imported merchandise.

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REASONABLE CARE

- "Reasonable care" should be process-oriented, not result-oriented. The key is not whether the importer reached the correct conclusion in every case, but whether the importer had in place procedures designed to promote the furnishing of correct information to Customs.
- In meeting the "reasonable care" standard, Congress "believes that an importer should consider utilization of one or more of the following aids:

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REASONABLE CARE

- Seeking guidance from Customs through binding rulings or the pre-importation rulings program;
- Consulting with a Customs broker, consultant, public accountant or an attorney;
- Using in-house employees, such as counsel, a Customs administrator or (if value is an issue) a financial controller;
- When appropriate, using reports from qualified independent gaugers and laboratories.

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PENALTIES

- An importer that fails to use "reasonable care" may be subject to civil penalties under Section 592 of the Tariff Act (19 U.S.C. Section 1592).
- Customs may impose penalties against importers for failure to comply with legal requirements.
- Size of penalty will depend on degree of culpability, i.e., negligence, gross negligence, or fraud.
- In addition to penalties, Customs will seek any duties that the importer failed to pay as a result of the error.

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PENALTIES

- Importers that submit a "prior disclosure" to Customs may minimize their liability for Section 592 penalties.
- A prior disclosure is effective if it is:
 - Made before Customs commences a formal investigation (evidence of date must be provided with prepenalty notice); or
 - Made before importer knew a formal investigation was underway.

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PENALTIES

Level of Culpability	Revenue Violations	Nonrevenue Violations
Negligence Domestic	200% Loss of Revenue	20% of Domestic Value
Gross Negligence	400% Loss of Revenue	40% of Domestic Value
Fraud	Domestic Value	Domestic Value

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AUDITS

- With less scrutiny at time of entry, Customs has become reliant on post-entry audits to ensure compliance with Customs laws.
- Customs must provide audit target with reasonable estimate of time required to complete the audit.
- Customs must immediately furnish estimates of any additional time required.

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AUDITS

- Before commencing an audit, Customs must afford target an "entry conference" to (1) explain the purpose of the audit and (2) set an estimated termination date;
- At the audit's conclusion, Customs must provide a closing conference to provide preliminary audit results;
- Within 90 days after closing conference, Customs must provide target with a copy of the audit report (no FOIA request needed).
- Failure to provide requested records may be penalized.

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REASONABLE CARE PROGRAMS

- Importers should have in place a program to ensure the quality of data provided to Customs; an "in-house compliance program" of the kind which corporations generally maintain for tax, safety, antitrust and other regulatory matters.
- Where possible importers and exporters should work in "partnership" with Customs, to understand the agency's expectations for them.

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REASONABLE CARE PROGRAMS

- Recommended elements of an "in-house compliance program":
- A legally adequate, Customs record keeping, maintenance and retrieval system (certified by Customs, where appropriate), together with a manual describing the system;
- Uniform procedures for responding to Customs requests for information, reviewing and responding to Customs actions (liquidations, protest denials, etc.);

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REASONABLE CARE PROGRAMS

- Customs formal or pre-importation rulings addressing the classification of the company's important products;
- Written confirmation of Customs' approval of company trade programs and valuation methods (whether in the form of binding rulings, or local port approvals);
- "Desk procedures manuals" establishing uniform company-wide procedures for handling Customs transactions and dealing with Customs representatives;

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REASONABLE CARE PROGRAMS

- Documented drawback program procedures, certified by Customs (where appropriate);
- Written statements of corporate Customs policies, transmitted to service vendors, including Customhouse brokers, carriers, warehousemen, and merchandise vendors;
- Access to outside attorneys and consultants as required;
- Periodic in-house "audits" of Customs systems and procedures;

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REASONABLE CARE PROGRAMS

- Periodic audits of Customs systems and procedures by outside attorneys and consultants;
- In house education programs regarding basic Customs law requirements, current developments, and advanced techniques;
- Regular contact with Customs' "account representatives" to review pending issues;
- Periodic review of Customs' "liquidation abstracts" of company transactions;
- Participating in trade associations and continuing education programs.

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SUMMARY OF LAWS ENFORCED BY CBP

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OTHER AGENCY REQUIREMENTS

In addition to enforcing most provisions of Title 19, United States Code, CBP has oversight of laws administered by other Federal agencies, to the extent they apply to imports and exports.

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TITLE 7 – AGRICULTURE

- 7 U.S.C. §§ 51-65 - *United States Cotton Standards Act*
- 7 U.S.C. §§ 75-87b - *United States Grain Standards Act*
- 7 U.S.C. §§ 136-136j - *Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act*
- 7 U.S.C. §§ 281-286 - *Honeybee Act*
- 7 U.S.C. §§ 511-511f - *Tobacco Inspection Act*
- 7 U.S.C. §§ 581-590 - *Export Apple and Pear Act*
- 7 U.S.C. §§ 591-599 - *Export Grape and Plum Act*
- 7 U.S.C. §§ 601-604, 607-624 - *Agricultural Adjustment Act*
- 7 U.S.C. §§ 686c-1390 - *Subtitle C, Title III of the Agricultural Adjustment Act of 1938*
- 7 U.S.C. §§ 1551-1611 - *Federal Seed Act*
- 7 U.S.C. §§ 1641-1642 - *International Wheat Agreement Act of 1949*
- 7 U.S.C. § 1854 - *Agreements limiting imports under surplus disposal of agricultural commodities*
- *Delegations of Authority Concerning Certain Meats, E.O. 11539, as amended by E.O. 12188*
- *Textile Trade Agreements, E.O. 11601, as amended by E.O. 11901 and 12188, (Supplemented by E.O. 12475 below)*
- *Delegation of Authority Limiting Imports of Certain Cheeses, E.O. 11851*
- *Textile Import Program Implementation, E.O. 12475; (Supplements E.O. 11651 above)*
- 7 U.S.C. § 2156 - *Animal Fighting Venture Prohibition*
- 7 U.S.C. § 2541 - *Plant Variety Protection Act*
- 7 U.S.C. §§ 3601-3606 - *International Sugar Agreement, 1977*
- 7 U.S.C. §§ 4601 - 4613 - *Honey Research, Promotion, and Consumer Information Act of 1990*
- 7 U.S.C. §§ 4801-4815 - *Pork Promotion, Research, and Consumer Information Act of 1985*
- 7 U.S.C. §§ 6101-6112 - *Mushroom Promotion, Research, and Consumer Information Act of 1990*
- 7 U.S.C. § 6804 (j)(3)(B) - *Fresh Cut Greens Promotion and Information Act of 1993*
- 7 U.S.C. § 7104(j)(3)(B) - *Sheep Promotion, Research, and Information Act of 1994*
- 7 U.S.C. §§ 7461-7471 - *Kiwifruit Promotion, Research and Consumer Information Act of 1996*
- 7 U.S.C. §§ 8301-8320 - *Animal Health Protection Act*
- 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.

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TITLE 8 - ALIENS AND NATIONALITY

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**

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

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TITLE 15 - COMMERCE AND TRADE

- 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).
- Consumer Products Safety Improvement Act of 2008**
- 15 U.S.C. § 11 - Trusts in Restraint of Trade**
- 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.

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TITLE 15 - COMMERCE AND TRADE

- 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. § 1231-1233 - Automobile Information Disclosure Act**
•CBP insures that imported automobiles are properly labeled.
- 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).

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TITLE 15 - COMMERCE AND TRADE

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. §§ 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).

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Other Commerce and Trade Regs

15 U.S.C. §§ 68-68j - Wool Products Labeling Act of 1939
15 U.S.C. §§ 69-69j - Fur Products Labeling Act
15 U.S.C. §§ 70-77 - Textile Fiber Products Identification Act
15 U.S.C. § 206 - Standard Gauge for Sheet and Plate Iron and Steel
15 U.S.C. §§ 237-241 - Standard Barrels for Lime
15 U.S.C. §§ 291-300 - Gold Labeling Act of 1976
15 U.S.C. §§ 717-717w - Natural Gas Act
15 U.S.C. § 784 - Federal Energy Administration Act of 1974
15 U.S.C. §§ 1171-1178 - Gambling Devices Act of 1962
15 U.S.C. §§ 1191-1204 - Flammable Fabrics Act
15 U.S.C. §§ 1241-1245 - Switchblade Knife Act
15 U.S.C. §§ 1471-1474, 1476 - Poison Prevention Packaging Act of 1970
15 U.S.C. §§ 2101-2106 - Hobby Protection Act
15 U.S.C. §§ 4401-4408 - Comprehensive Smokeless Tobacco Health Education Act
15 U.S.C. § 4605 - Export of Semiconductor Manufacturing

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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.

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TITLE 16 - CONSERVATION

- 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. §§ 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. §§ 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).

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TITLE 16 - CONSERVATION

- 16 U.S.C. §§ 470aa - 470j - *Archaeological Resources Protection Act of 1979*
- 16 U.S.C. §§ 620-620j - *Forest Resources Conservation and Shortage Relief Act of 1990*
- 16 U.S.C. §§ 668-668d - *Bald Eagle Protection Act*
- 16 U.S.C. §§ 703-708; 709a-711 - *Migratory Bird Treaty Act*
- 16 U.S.C. §§ 773-773k - *Northern Pacific Halibut Act of 1982*
- 16 U.S.C. §§ 781-785 - *Sponge Act*
- 16 U.S.C. §§ 916-916i - *Whaling Convention Act of 1949*
- 16 U.S.C. §§ 951-953; 955-961 - *Tuna Convention Act of 1950*
- 16 U.S.C. §§ 971-971i - *Atlantic Tunas Convention*
- 16 U.S.C. §§ 972-972h - *Eastern Pacific Tuna Fishing*
- 16 U.S.C. § 973 - *South Pacific Tuna Fishing*
- 16 U.S.C. §§ 1151-1175 - *Fur Seal Act of 1966 as amended*
- 16 U.S.C. §§ 1361-1362; 1371-1407; 1421a-1421h - *Marine Mammal Protection Act of 1972 as amended*
- 16 U.S.C. §§ 1411-1418 - *International Dolphin Conservation Act of 1992*
- 16 U.S.C. §§ 1801-1802, 1811-1813, 1821-1826, 1851-1862, 1881-1882, - *Magnuson Fishery Conservation and Management Act*
- 16 U.S.C. §§ 1826a-1826c - *High Seas Driftnet Fisheries Enforcement Act*
- 16 U.S.C. §§ 2401-2412 - *Antarctic Conservation Act of 1978*
- 16 U.S.C. §§ 1538, 4201, 4203, 4211-4213, 4221-4225, 4241-4245 - *African Elephant Conservation Act (AECA)*
- 16 U.S.C. §§ 4901-4916 - *Wild Bird Conservation Act of 1992*
- 16 U.S.C. §§ 5301-5306 - *Rhinoceros and Tiger Conservation Act of 1994*

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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*
- 17 U.S.C. §§ 1001-1010 - *Audio Home Recording Act of 1992*
- 17 U.S.C. 1201-1205 - *Copyright Protection and Management Systems*
- 17 U.S.C. §§ 1301-1328 - *Protection of Original Designs*

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TITLE 18 - CRIMES AND CRIMINAL PROCEDURE


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. §§ 511-512 - Motor Vehicles
 CBP enforces these provisions relating to altered or removed motor vehicle identification numbers.

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 with prohibits any revenue officer from entering goods upon payment of less than legal duty.

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.

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TITLE 18 - CRIMES AND CRIMINAL PROCEDURE

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. §§ 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).

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- **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. § 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. § 1715 - National Firearms Act**
 •CBP makes sure that all imported explosive, munitions of war, firearms and ammunition are covered by an ATF permit.

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- 18 U.S.C. §§ VARIOUS- *Economic Espionage Act of 1996*
- 18 U.S.C. § 7 - *Anti-Terrorism and Effective Death Penalty Act*
- 18 U.S.C. § 38 - *Fraud Involving Aircraft or Space Vehicle Parts in Interstate or Foreign Commerce*
- 18 U.S.C. § 48 - *Depiction of Animal Cruelty*
- 18 U.S.C. §§ 111-115 - *Assaults on Federal Officers*
- 18 U.S.C. §§ 175-178 - *Biological Weapons Anti-Terrorism Act of 1989*
- 18 U.S.C. §§ 205-225 - *Bribery Detection*
- 18 U.S.C. §§ 229-229F - *Chemical Weapons*
- 18 U.S.C. § 286 - *Conspiracy to Defraud*
- 18 U.S.C. § 287 - *False, Fictitious or Fraudulent Claims*
- 18 U.S.C. § 471-510 - *Importation of Counterfeit or Forged Obligations or Securities*
- 18 U.S.C. § 541 - *Entry of Goods Falsely Classified*
- 18 U.S.C. § 544 - *Relanding of Goods*
- 18 U.S.C. § 545 - *Smuggling Goods into the United States*
- 18 U.S.C. § 546 - *Smuggling Goods into Foreign Countries*
- 18 U.S.C. § 547 - *Depositing Goods in Buildings on Boundaries*
- 18 U.S.C. § 548 - *Removing or Repacking Goods in Warehouses*
- 18 U.S.C. § 549 - *Removing Goods from Customs Custody, Breaking Seals*
- 18 U.S.C. § 551 - *Concealing or Destroying Invoices or other Papers*
- 18 U.S.C. § 552 - *Officers Aiding Importation of Obscene or Treasonous Books and Articles*
- 18 U.S.C. § 553 - *Stolen Motor Vehicles*
- 18 U.S.C. § 641 - *Public Money, Property, or Records*
- 18 U.S.C. § 659 - *Interstate or Foreign Shipments by Carrier*
- 18 U.S.C. § 758 - *High Speed Flight from Immigration Checkpoint*
- 18 U.S.C. § 911 - *Citizen of the United States*

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- 18 U.S.C. §§ 912-917 - *False Personation*
- 18 U.S.C. § 930 - *Possession of Firearms and Dangerous Weapons in Federal Facilities*
- 18 U.S.C. §§ 960-967 - *Exportation of Armed Vessels, Arms, Liquor and Narcotics*
- 18 U.S.C. §§ 981-982, 984 - *Money Laundering*
- 18 U.S.C. §§ 1073, 1074 - *Flight to Avoid Prosecution*
- 18 U.S.C. §§ 1081-1084 - *Gambling Ship Act*
- 18 U.S.C. §§ 1091-1093 - *Genocide*
- 18 U.S.C. § 1301 - *Importing or Transporting Lottery Tickets*
- 18 U.S.C. §§ 1341-1346 - *Mail Fraud*
- 18 U.S.C. §§ 1423-1429 - *Documents Relating to Citizenship or Naturalization*
- 18 U.S.C. §§ 1462, 1465 - *Importation or Transportation of Obscene Matters*
- 18 U.S.C. §§ 1542-1546 - *Fraud, False Statements and Misuse Involving Passports, Visas, and Other Documents*
- 18 U.S.C. §§ 1582-1592 - *Slavery and Peonage*
- 18 U.S.C. § 1699 - *Certification of Delivery from Vessel*
- 18 U.S.C. §§ 1761-1762 - *Transportation or Importation of Prison-Made Goods*
- 18 U.S.C. § 1912 - *Acceptance of Fees*
- 18 U.S.C. § 1915 - *Compromise of Customs Liabilities*
- 18 U.S.C. §§ 1951, 1961-1968 - *Anti-Racketeering Act*
- 18 U.S.C. §§ 1956, 1957, 1960, 981-982, 984 - *Money Laundering Control Act of 1986*
- 18 U.S.C. § 2117 - *Breaking or Entering Carrier Facilities*
- 18 U.S.C. § 2119 - *Motor Vehicles*
- 18 U.S.C. § 1901 - *Stowaways on Vessels or Aircraft*
- 18 U.S.C. § 2231 - *Assault or Resistance to Serving and Executing a Search Warrant*
- 18 U.S.C. § 2232 - *Destruction or Removal of Property to Prevent Seizure*

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- 18 U.S.C. § 2233 - *Rescue of Seized Property*
- 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.*
- 18 U.S.C. §§ 2274, 2275, 2276 - *Destruction of Vessels Within the Admiralty and Maritime Jurisdiction of the U.S.*
- 18 U.S.C. § 2277 - *Explosives or Dangerous Weapons Aboard Vessels*
- 18 U.S.C. § 2279 - *Boarding Vessels Before Arrival*
- 18 U.S.C. § 2311 note - *Anticounterfeiting Consumer Protection Act of 1996*
- 18 U.S.C. §§ 2312, 2313 - *Transportation, Sale or Receipt of Stolen Vehicles*
- 18 U.S.C. §§ 2314, 2315 - *Stolen Property*
- 18 U.S.C. §§ 2316-2317 - *Transport, Sale, or Receipt of Livestock*
- 18 U.S.C. § 2318 - *Trafficking in Counterfeit Labels*
- 18 U.S.C. § 2319 - *Criminal Infringement of a Copyright*
- 18 U.S.C. § 2319A - *Counterfeit Recordings*
- 18 U.S.C. § 2320 - *Trafficking in 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*

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TITLE 21 - FOOD AND DRUGS
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. §§ 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.

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TITLE 21 - FOOD AND DRUGS
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. §§ 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.

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TITLE 21 - FOOD AND DRUGS
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).

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TITLE 21 - FOOD AND DRUGS

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. §§ 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).

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TITLE 21 - FOOD AND DRUGS


- 21 U.S.C. §§ 61-64 - Filled Milk Act
- 21 U.S.C. §§ 101-105 - Importation of Cattle and Quarantine
- 21 U.S.C. § 113a - Foot-and-Mouth Disease Act
- 21 U.S.C. §§ 151-159 - Virus-Serum-Toxin Act
- 21 U.S.C. §§ 801, 802, 814, 830, 841-44, 853, 881, 959-60 - Comprehensive Methamphetamine Control Act of 1996
- 21 U.S.C. §§ 801, 802, 830, 841-843, 872, 876, 881, 960, 961, 972 - Chemical Diversion and Trafficking Act of 1988
- 21 U.S.C. § 863 - Mail Order Drug Paraphernalia Control Act
- 21 U.S.C. §§ 967-969 - Investigations, Oaths, Subpoenas, etc.

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TITLE 22 - FOREIGN RELATIONS

- 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. §§ 254a-254e; 256-258a - Diplomatic Relations Act
- 22 U.S.C. § 287c - United Nations Participation Act of 1945 (UNPA)
- 22 U.S.C. § 288b - Baggage and Effects of Officers and Employees of International Organizations and Foreign Governments
- 22 U.S.C. §§ 401, 406, 408, 421-422 - Exportation of War Materials
- 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).

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

- 22 U.S.C. §§ 611-621 - Foreign Agents Registration Act of 1938, as amended
- 22 U.S.C. § 2251(c)(1) - Prohibition on Participation in Police Arrest Action in any Foreign Country with Respect to Drug Violations
- International Narcotics Control Corrections Act of 1994
- 22 U.S.C. § 2304 - Human Rights and Security Assistance
- 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
- 22 U.S.C. §§ 2349aa-9 - Ban on Imports from Countries Supporting Terrorism
- 22 U.S.C. § 2370(a) - Embargo on Trade - Cuba
- 22 U.S.C. § 2371 - Prohibition on Assistance to Countries Supporting International Terrorism
- 22 U.S.C. § 2459 - Immunity from Seizure of Cultural Objects Imported for Temporary Exhibition
- 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
- 22 U.S.C. §§ 2797, 2797a-b - Control of Missiles and Missile Equipment or Technology
- 22 U.S.C. § 2798 - Sanctions Against Certain Foreign Persons
- 22 U.S.C. § 2799aa - Nuclear Enrichment Transfers
- 22 U.S.C. § 3201 - Congressional Declaration of Policy (Nuclear Nonproliferation Controls).
- 22 U.S.C. §§ 5601-5606 - Control and Elimination of Chemical and 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.

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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.

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TITLE 26 - INTERNAL REVENUE CODE

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

•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).

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•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).

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•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).

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•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.

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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).

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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).
- 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*

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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
- 31 C.F.R. Part I, Subpart C, Sec. 1.20-1.36 (2005) - *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*
- 31 C.F.R. Part 500 (2005) - *Foreign Assets Control Regulations*
- 31 C.F.R. Part 505 (2005) - *Transaction Control Act*
- 31 C.F.R. Part 515 (2005) - *Cuban Assets Control Regulations*
- 31 C.F.R. Part 535 (2005) - *Iranian Assets Control Regulations & 31 C.F.R. Part 560 (2005) - Iranian Transactions Regulations*
- 31 C.F.R. Part 550 (2005) - *Libyan Sanctions Regulations*
- 31 C.F.R. Part 575 (2005) - *Iraqi Sanctions Regulations*
- 31 C.F.R. Part 585 (2005) - *Yugoslavia (Serbia and Montenegro) Asset Control Regulations*
- 31 C.F.R. Part 590 (2005) - *UNITA (Angola) Sanctions Regulations*
- 31 C.F.R. Part 595 (2005) - *Terrorism Sanctions Regulations*
- 31 C.F.R. Part 596 (2005) - *Terrorism List Governments Sanctions Regulations*
- Executive Order 12978 - *Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers*
- Executive Order 13047 - *Burma - Blocking of Certain Investment Transactions with Burma*

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TITLE 33 - NAVIGATION AND NAVIGABLE WATERS

- 33 U.S.C. §§ 381-387 - *Suppression of Piracy*
- 33 U.S.C. §§ 401-426 - *Protection of Navigable Waters*
- 33 U.S.C. §§ 1221-1236 - *Ports and Waterways Safety Act*
- 33 U.S.C. § 1321 - *Oil and Hazardous Substance Liability*
- 33 U.S.C. § 1322 - *Marine Sanitation*
- 33 U.S.C. § 1518 - *Deepwater Port Act of 1974*
- 33 U.S.C. §§ 1901-1912 - *Act to Prevent Pollution From Ships*
- 33 U.S.C. § 2236 - *Harbor Development and Navigation Improvement Act of 1966*
- 33 U.S.C. § 2605 - *Shore Protection Act of 1988*

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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.

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TITLE 39 - POSTAL SERVICE

- 39 U.S.C. §§ 604-606 - *Private Carriage of Letters*
- 39 U.S.C. § 3002a - *Nonmailability of Locksmithing Devices*
- 39 U.S.C. § 3005 - *Conducting a Lottery through the Mails*
- 39 U.S.C. §§ 3008, 3010 - *Pandering of Sexually Oriented Advertisements*

TITLE 40 - PUBLIC BUILDINGS, PROPERTY AND WORKS

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

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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**
- 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).

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- 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).
- 42 U.S.C. §§ 2077, 2099, 2111, 2122, 2131, 2133, 2138, 2155, 2156, and 2157 - **Atomic Energy Act of 1954 as amended**
- 42 U.S.C. §§ 4901-4918 - **Noise Control Act of 1972**
- 42 U.S.C. §§ 5401-5426 - **National Manufactured Housing Construction And Safety Standards Act of 1974 as amended**
- 42 U.S.C. § 14081 - **The Violent Crime Control and Law Enforcement Act of 1994**

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TITLE 43 -PUBLIC LANDS

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

TITLE 46 - SHIPPING

TITLE 47 - TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

- 47 U.S.C. § 302a - **Devices Which Interfere with Radio Reception**
- 47 U.S.C. §§ 303(s), 320 - **Prohibition on Shipments of Certain Television Receivers**
- 47 U.S.C. § 312a - **Revocation of Operator's License Used in Unlawful Distribution of Controlled Substances**
- 47 U.S.C. § 510 - **Forfeiture of Communication Devices**
- 47 U.S.C. § 605 - **Unauthorized Publication or Use of Communications**

TITLE 48 - TERRITORIES AND INSULAR POSSESSIONS

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TITLE 49 - TRANSPORTATION

- 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**
- 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. § 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**
- 49 U.S.C. §§ 60101 - 60125 **Hazardous Liquid Pipeline Safety**
- 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 - **Pomerehne 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. §§ 32501-32511 - **National Traffic and Motor Vehicle Safety Act of 1966 (Bumper Standards)**
- 49 U.S.C. §§ 33101-33118 - **National Traffic and Motor Vehicle Safety Act of 1966 (Theft Prevention)**
- 49 U.S.C. §§ 41101-41112 - **Air Carrier Certificates**
- 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
- 49 U.S.C. § 41703 - **Federal Aviation Act of 1958**
- 49 U.S.C. § 44904 - **Domestic Air Transportation System Security**
- 49 U.S.C. § 46506 - **Federal Aviation Act of 1958**

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- 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**

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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. § 98b-4 - **National Defense Stockpile Amendments of 1987**
- 50 U.S.C. § 198 - **Requisitioned Vessels**
- 50 U.S.C. §§ 219-226 - **Insurrection**
- 50 U.S.C. § 401 - **National Security**
- 50 U.S.C. §§ 1701-1706 - **International Emergency Economic Powers Act (IEEPA)** [Libya, Iraq, Serbia & Montenegro and Bosnia, UNITA, Iran, Terrorism, and Narcotics]
- 50 U.S.C. § 1701 note - **Iran and Libya Sanctions Act of 1996**
- 50 U.S.C. App. §§ 1-44 - **Trading with the Enemy Act (TWEA)** [North Korea, Cuba, Transaction Control Regulations]
- 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**


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•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).

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LACEY ACT AMENDMENTS

Congress amended the Lacey Act by requiring importers of plants and plant products to declare detailed, species-specific information about any imported plant product as of December 15, 2008. The purpose is to target imports of illegally obtained timber (logs harvested or exported in violation of local laws) by forcing importers to discover and report the scientific identities, quantities, values, and origins of any form of imported plant life, whether directly imported or incorporated into downstream products.


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- Under the Lacey Act, 16 U.S.C. § 3371, it is unlawful to trade in wildlife, fish, and plants that have been taken, possessed, transported or sold in violation of any domestic or foreign law. Section 8204 of the 2008 Farm Bill expands the scope of plants covered by the Lacey Act and imposes a new import declaration requirement for both plants and plant products. This provision thus affects the importation of a vast array of goods containing plant material and increases importers' regulatory burdens and risks.
- Section 8204 broadens the definition of "plant" and "plants" subject to the Lacey Act to cover "any wild member of the plant kingdom, including roots, seeds, parts or products thereof, and including trees from either natural or planted forest stands."

The limited exceptions, as of now undefined, encompass:


- common cultivars, except trees, and common food crops (including roots, seeds, parts or products thereof);
- scientific specimens of plant genetic material (including roots, seeds, germplasm, parts or products thereof) to be used only for laboratory or field research;
- any plant that is to remain planted or to be planted or replanted; and
- packaging material used to support, protect, or carry another item, unless the packaging material is itself the imported item.

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Effective December 15, 2008, all importers of plants and plant products (except for packaging products, will be required to declare specifically:

- the scientific name of any plant (including the genus and species of the plant) contained in the importation;
- a description of the value of the importation and the quantity (including the unit of measure) of the plant; and
- the name of the country from which the plant was taken. "Taken" is further defined as the country in which the plant or plant product is harvested, cut, logged or removed.

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- All paper products (i.e., printing paper, hang tags on clothing articles, instruction manuals)
- Pharmaceutical products containing plant fillers (i.e., aspirin)
- Textiles
- Cosmetics (i.e., lipstick, often made with carob tree wax)
- Hair products (i.e., hairspray made with tree resin)
- Musical instruments
- Cooking tools with wooden handles
- Dried or powdered foods (containing cellulose; or containing glycerol ester of wood rosin, a common food additive)

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RE: Amendment to the Lacey Act in the United States.

To: Foreign Supplier

The Lacey Act has been amended in the United States (1) to prohibit trade in products derived from illegally harvested plants and trees, and (2) to require that companies like _____ that bring goods into the United States must submit a declaration at the time of importation for certain plants, including wood, and plant products.

Unilever requests that you respond to this letter indicating whether any of the products you ship to _____ in the United States are plant or wood products including roots, seeds, or parts thereof. Your answer may exclude common food crops and wood or plant products in use as packaging materials. A draft letter of response has been enclosed for your use.

Please respond even if you do not supply _____ with any of the products described above. However, if the answer to this question is yes, please indicate the product you ship, the HTS number of the product, the percentage of the product that is derived from a particular plant, the genus and species of each plant from which any plant content is derived, the recycled plant content as a percentage of the product, and the country of harvest for each plant from which plant content is derived. Also indicate whether the products you ship are subject to the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES") and, if so, do you maintain documentation of CITES compliance. A list of products subject to CITES is available at <http://www.cites.org/eng/resources/species.html>.

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To: _____
 RE: Compliance with Lacey Act Amendment


___ None of the products we ship to, or on behalf of _____ in the United States are plant or wood products other than common food crops or plant or wood products in use as packaging materials. .

___ The product(s) we ship to _____ contain plant ingredients or are plant or wood products, other than (a) common food crops or (b) plant or wood products in use as packaging materials. The affected products and the covered ingredients they contain are listed in the table below. The scientific name of the plant, the quantity of the plant usually contained in the product, the percentage of the product made from recycled plant material, and the name of the country where the plant was harvested are also identified. Where applicable, we have indicated that a plant or wood product we ship to _____ is subject to the Convention on International Trade in Endangered Species of Fauna and Flora ("CITES") and whether we maintain documentation of CITES compliance.

Please Complete


Name (printed): _____
 Signature: _____
 Title: _____
 Date: _____
 Name of Foreign Supplier: _____
 Address: _____

 Telephone: _____
 Fax: _____
 E-mail: _____

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Name of Product Supplied	
Plant ingredient or plant product used in product supplied	
Scientific name of plant from which ingredient or plant product is made	
Quantity of plant ingredient in product supplied	
% Recycled plant material used in plant ingredient or plant product	
Country of harvest of plant from which plant ingredient or plant product is made	
CITES applies to plant ingredient or plant product (Yes/No)	
Supplier maintains documentation of CITES compliance (Yes/No/Not Applicable)	

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