

U.S. CUSTOMS AND BORDER PROTECTION
Department of Homeland Security

HOUSTON FIELD OFFICE

PUBLIC INFORMATION NOTICE

DATE: 02/05/2010	NUMBER: HFO 10-001	FOR FURTHER INFORMATION CONTACT: Lynn Fallik, ADFO/Trade at 713-387-7291 or Grace Lopez, Ops Spcl at 713-387-7256
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SUBJECT: Paperless Entries and ITAR Licensing Procedures

U.S. Customs and Border Protection is establishing uniform national procedures for paperless entries and commodities controlled under International Traffic in Arms Regulations (ITAR) licenses and license exemptions.

Entries of ITAR controlled commodities are often released paperless without the proper presentation of either the temporary import or temporary export licenses, or the ITAR exemption statement. The result is the lack of proof of legal importation of ITAR controlled goods leading to the possibility of seizure of the commodities.


Importers, customs brokers will submit paper CBP Form 3461 for all entries that involve a temporary import license (DSP-61) or a temporary export license (DSP-73) issued by the Directorate of Defense Trade Controls (DDTC). The temporary import or temporary export licenses will be presented for decrementation along with all other documents necessary for entry at the time entry is made.

Inbound shipments controlled under ITAR license exemptions, such as 22 CFR 123.4 will continue to be entered via ABI. Filers must notate the import entry documents with the proper statements as required for the exemption. At the time of export of these shipments, the exporter or his agent must file the Electronic Export Information (EEI) in the Automated Export System (AES) and provide on the invoice the import entry document number on which the exemption was first declared. The CBP officer may request a copy of the import entry document to verify if the exemption was declared. If the document does not cite the appropriate license exemption, the shipment will be detained for failing to meet the conditions of the license exemption. If it is determined that a violation has occurred then the exporter or the exporter's authorized agent will be required to make a disclosure to DDTC for the violation and obtain a permanent export license (DSP-5) prior to the FP&F procedures and release of the merchandise.

DISCLAIMER: This information has been prepared for your convenience by the U.S. Customs and Border Protection officers at the Houston Field Office. This material is intended to provide guidance. Recognizing that many complicated factors are involved in CBP matters, an importer may wish to obtain a binding ruling under 19 CFR Part 177. Reliance solely on this information may not be considered reasonable care. Importers are referred to Treasury Decision 97-96, which was published in the Federal Register of December 4, 1997, and in the Customs Bulletin of December 17, 1997, for in-depth information on the concept of reasonable care.

If a continuous entry bond is available, a single-entry bond will not be required.

If you have any questions about this notice please contact Ms. Lynn Fallik, Assistant Director Field Operations/Trade at 713-387-7291 or Ms. Grace Lopez, Operations Specialist at 713-387-7256.



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