

CHAPTER 507

MILITARY CUSTOMS OFFICER-EXCEPTED (MCO-E)

A. JUSTIFICATION

United States Customs and Border Protection (CBP) may find it advantageous to establish a MCO-E Program at Department of Defense (DoD) installations within specific jurisdiction of CBP port directors. Conversely, DoD installations may benefit by establishing MCO-E programs to expedite movement of passengers and cargo arriving at military airfields. The primary purpose of this program is to grant DoD personnel the authority to perform CBP inspectional duties, to include customs, immigration and agricultural disciplines, in connection with the arrival of military or military-chartered aircraft from overseas areas. Such action must be done with the cooperation and approval of the DoD installation Commander (CDR).

B. DESIGNATION

MCO-Es are appointed in writing by the base/installation CDR after CBP issues a CBP Form 55, Designation, Customs Officer-Excepted, [Figure 507-1](#), designating the individual as a MCO-E. By agreement with DoD installation CDRs, CBP port directors will specifically train military and civilian personnel to act as MCO-Es at selected Customs Territory of the United States (CTUS) military bases. This document authorizes the individual to perform duties of a CBP Officer in CTUS. The CBP Form 55 must be surrendered to CBP upon change of assignment or change of station.

C. SCOPE

A Memorandum of Understanding (MOU) negotiated between the installation CDR and the local CBP Port Director usually establishes an MCO-E program. A signed copy of the MOU must be maintained by the installation Transportation Officer (TO) and the military unit(s) designated to perform MCO-E duties. Installation CDRs will request CBP to recertify the installation MCO-E program yearly. The scope of MCO-E duties will be designated on CBP Form 55 and may vary from installation to installation and location to location. Designated personnel will be responsible for the enforcement of CBP regulations and other border clearance agencies. This responsibility may require examination of military aircraft, accompanied and unaccompanied baggage, personnel, and certain cargo. Military and civilian MCO-E candidates must be in the grade E-5/GS-5 and above, with a candidacy waiver for E-4 military police/security forces or similar law enforcement personnel. CBP does not authorize an MCO-E to conduct personal searches or collect duties, fines, or federal taxes. Data on the number of active MOUs is available from CBP.

D. RESPONSIBILITIES

1. MCO-Es:
 - a. Will inspect or examine baggage, professional equipment, and cargo as authorized in the MOU and designated on his/her CBP Form 55. Inspections will be accomplished in a courteous and professional manner. All passengers and crewmembers are subject to inspection. The degree to which accompanied baggage or equipment is inspected or examined is dependent upon the discretion and judgment of MCO-Es. “Dumping” of baggage contents is against both DoD and CBP policy and is prohibited. MCO-Es will only inspect active duty military personnel. All civilian personnel will be inspected by a CBP officer. MCO-Es will be granted access to aircraft in all circumstances.
 - b. Immediately report contraband discoveries (e.g., drugs, firearms, and/or explosives) to the closest CBP Port Director and the military CDR.

2. Installation TOs:
 - a. As major stakeholders of the Defense Transportation System (DTS), provide installation CDRs with expertise to ensure contents of the MOU are not counterproductive for DTS users. The MOU will include language that ensures understanding of this part of the Defense Transportation Regulation.
 - b. When an MCO-E capability has been established, maintain a signed copy of the MCO-E MOU and forward a copy to the Major Command (MAJCOM) HQ and United States Transportation Command (USTRANSCOM) TCJ4-PC, 508 Scott Drive., Scott AFB, IL, 62225. Contact information for USTRANSCOM can be found at transcom.scott.tcj5j4.mbx.pc-customs@mail.mil.

E. APPOINTMENT

1. MCO-Es are appointed by the installation CDR and placed on orders after CBP has completed all necessary background checks and training. To enable CBP to train and certify new MCO-Es, CBP must receive the names, SSN, and pay grade for each trainee at least 2 weeks prior to any requested training. CBP's determination of the eligibility of an individual to participate in the MCO-E program cannot be overturned by the DoD. Once the training is completed, CBP will designate each qualified MCO-E using CBP Form 55.
2. Certification/appointments are MAJCOM-specific and automatically terminate when an MCO-E is transferred to a new command.
3. CBP will recertify the installation MCO-E program on an annual basis. Program recertification and MCO-E recertification may take place at the same time. CBP may make unannounced visits during the year to evaluate the program. In order to accomplish no-notice visits, at a minimum, individuals identified as CBP points of contact must be allowed unrestricted entry to the installation and area established for CBP operations. Recertification and refresher training for individual MCO-Es will be conducted periodically as conditions change or individual situations warrant.

F. TRAINING AND CERTIFICATION

1. Training and certification of MCO-Es are accomplished under the auspices of CBP Directors, Field Operations, and CBP Port Directors as authorized by the Assistant Commissioner, Field Operations. Pending approval to establish an MCO-E program, installation CDRs are authorized direct communication with the CBP Director, Field Operations, and CBP Port Directors to request necessary training. For a listing of locations and phone numbers of Field Operations Offices, see the CBP Web page: <https://www.cbp.gov/contact/ports>.
2. Training Assistance:
 - a. Instruction, training material, and limited training aids are available from CBP.
 - b. Requests for CBP support will be forwarded to the local CBP Port Director.
3. Costs associated with MCO-E training (e.g., transportation, per diem, overtime) will be borne by the requesting DoD organization.
4. Instruction will include but not be limited to the following subjects:
 - a. Customs, agriculture, and immigration orientation
 - b. Preparation of border clearance forms
 - c. Exemptions
 - d. Art of inspection

- e. Drugs and drug enforcement
- f. Firearms and ammunition
- g. Restricted and prohibited articles
- h. Customs enforcement
- i. Inspection workshops (On-the-job training under supervision)
- j. Smuggling methods of operation and concealment and detection techniques.

DEPARTMENT OF HOMELAND SECURITY U.S. Customs and Border Protection		CANCELLED/REVOKED
DESIGNATION, CUSTOMS OFFICER (EXCEPTED) CBP Directive 1510-002A		Authorizing Officer's Signature _____ Date _____
<i>Pursuant to the provisions of 19 U.S.C. § 1401(i), appropriate delegations, and by agreement with your employing agency or service, you are hereby designated a Customs Officer (Excepted) without additional compensation. This designation, for the performance of such duties as outline below, will be in effect while you remain in your present position and location, unless revoked at an earlier date. When performing the duties of a Customs Officer (Excepted), you will be subject to all guidelines, directives and instructions of U.S. Customs and Border Protection. ("CBP") Arrangements will be made for you to receive the training necessary to perform your duties as a Customs Officer at your location.</i> <i>This designation does not modify current CBP procedures or practices concerning the reporting, handling, and investigation of persons arrested and seizures made for violations of laws enforced by CBP. Any arrests and seizures affected while acting under this designation and any information received concerning Customs or related violations should be promptly reported to the nearest CBP office.</i>		
1. Officer's Name _____	2. Social Security Number _____	3. Date of Birth _____
4. Agency _____ Address _____ <div style="text-align: center; margin-left: 100px;">Street</div> <div style="display: flex; justify-content: space-between; margin-left: 100px;"> City State Zip </div> Phone _____ Ext. _____	5. Agency Position/Rank _____	6. Badge Number _____
7. Officer's Assigned Firearm (not applicable for military personnel) Make _____ Model _____ Caliber _____		
8. CBP Port of Entry/Field Office/Military Installation Assigned _____		9. Date Issued _____
10. Duties when authorized by CBP authorizing official or his/her designee: Only the duties marked are authorized for the Designated Customs Officer (Excepted). <input type="checkbox"/> Use of firearms in accordance with Customs Use of Force Policy (carriage of firearms will be in accordance with the officer's employing agency); <input type="checkbox"/> Make seizures of property in accordance with laws administered and/or enforced by CBP; <input type="checkbox"/> Conduct Customs searches and seizures for articles smuggled or otherwise introduced into the United States contrary to the laws administered and/or enforced by CBP. <input type="checkbox"/> Perform such other law enforcement duties as may be authorized under 19 U.S.C. § 1401(i). <input type="checkbox"/> Other duties: _____ _____ _____ _____ Endorsements and Restrictions: Customs Officers (Excepted) ARE NOT authorized to: assess or collect customs duty; conduct personal searches or effect arrests (unless being done under military authority); search individuals by canines (unless being done under military authority). Other Endorsements and Restrictions: _____ _____ <p style="text-align: center;"><i>I have read and understand the Duties assigned, Endorsements and Restrictions.</i></p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> _____ _____ </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Designated Officer's Signature Date </div>		
11. Authorizing CBP Port/Field Office Address: _____		
12. Authorizing Officer <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 45%;"> Printed Name _____ Title _____ </div> <div style="width: 10%; text-align: center;"> X </div> <div style="width: 45%;"> Signature _____ </div> </div>		

CBP Form 55 (06/08)

Figure 507-1. CBP Form 55, Designation, Customs Officer (Excepted)

Continuation Sheet

CBP Form 55 (06/08)

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