UNITED STATES TRANSPORTATION COMMAND
508 SCOTT DRIVE
SCOTT AIR FORCE BASE, ILLINOIS 62225-5357

JAN 28 2011

Mr. Richard Dowling
Correspondent, Irish National Broadcaster RTE
E-mail: northeast@rte.ie

USTRANSCOM FOIA 11-06
Interim Response #1

Dear Mr. Dowling

This is interim response #1 to your Freedom of Information Act (FOIA) request to the Air Mobility Command, 14 September 2010, requesting a copy of "all documents relating to the use of Irish facilities such as ports and airports by USTRANSCOM." Your request was subsequently referred to this agency from Air Mobility Command for direct response to you. Your request has been processed under Department of Defense (DoD) Regulation 5400.7, DoD FOIA Program.

We are releasing in full nine responsive documents and granting a partial release of one document (see attached document listing with documents). Information being denied is pursuant to 5 U.S.C. 552 (b)(6), "unwarranted invasion of personal privacy." You will be provided appeal rights with our final response. There are no assessed processing fees with this release.

Additional located documents contained equities of other agencies, and we have had to refer those documents to those agencies for release determination. As documents become available, we will release them to you through interim responses. If additional assistance is required, please contact our FOIA officer, Ms. JoLynn Bien, at 618-229-4063 or e-mail: jolynn.bien@ustranscom.mil.

Sincerely

GREGORY E. COUCH
Major General, U.S. Army
Chief of Staff

Attachment
Document Listing with 10 Documents

DOCUMENT LISTING
USTRANSCOM FOIA 11-06
INTERIM RESPONSE #1

Document No.	Description	No. Pages	FOIA Exemption
1	Air & Surface Ports Listing	2	Full Release
2	Extract Gen Handy, Commander USTRANSCOM & Air Mobility Command – An Oral History, June 07	3	Full Release
3	TCJ5/4 E-mail, 5 Nov 10, 11:56 A.M. W/Attachment, Subj: CBP Shannon Brief	4	Full Release
4	TCJ5/4 E-mail, 24 Nov 10, 9:47 A.M. W/Attachment, Subj: Shannon Preclearance Brief for TCJ5/4	13	Full Release
5	TCJ5/4 E-mail, 13 Dec 10, ll:19 A.M. W/Attachment, Subj: PP-Shannon Preclearance	3	Full Release
6	TCJ5/4 E-mail, 25 Oct 10, 4:51 P.M. W/Attachment, Subj: PP-Shannon Preclearance Doc	2	Full Release
7	TCJ5/4 E-mail: 13 Dec 10, ll:22 A.M. Subj: FW: US Customs & Border Protection Operation at Shannon, Ireland Preclearances	2	Full Release
8	TCJ5/4 E-mail: 18 Nov 10, 7:01 A.M. Subj: FW: Shannon Preclearance Program	2	Full Release
9	TCJ5/4 E-mail: 24 Nov 10, 8:45 A.M. W/Attachment, Subj: Shannon Preclearance Brief for TCJ5/4	2	5 U.S.C. 552(b)(6)
10	TCJ5/4 E-mail: 13 Dec 10, 11:23 A.M. Subj: FW: CBP Preclearance Operation at Shannon, Ireland	2	Full Release

JS-4-L

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BYT	EI	BANTRY	BANTRY	IRELAND
BLY	EI	BELMULLET	BELMULLET	IRELAND
EI1	EI	CASEMENT	CASEMENT	IRELAND
CLB	EI	CASTLEBAR	CASTLEBAR	IRELAND
WEX	EI	CASTLEBRIDGE	WEXFORD	IRELAND
NOC	EI	CONNAUGHT	KNOCK	IRELAND
NNR	EI	CONNEMARA	SPIDDAL	IRELAND
ORK	EI	CORK	CORK	IRELAND
CFN	EI	DONEGAL	DONEGAL	IRELAND
DUB	EI	DUBLIN	DUBLIN	IRELAND
GWY	EI	GALWAY	GALWAY	IRELAND
INQ	EI	INISHEER	INISHEER	IRELAND
IIA	EI	INISHMAAN	INISHMAAN	IRELAND
IOR	EI	INISHMORE	INISHMORE	IRELAND
KIR	EI	KERRY	KERRY COUNTY	IRELAND
LTR	EI	LETTERKENNY	LETTERKENNY	IRELAND
LMK	EI	OFF-LINE PT	LIMERICK	IRELAND
SNN	EI	SHANNON	SHANNON	IRELAND
SXL	EI	SLIGO	SLIGO	IRELAND
WAT	EI	WATERFORD	WATERFORD	IRELAND

SURFACE

WTR_PORT_CD	CTRY_CD	WTR_PORT_NM
HD5	EI	GALWAY, IRELAND
HD6	EI	COBH, ERIE, IRELAND
HD2	EI	CORK, IRELAND
HD7	UK	LARNE, NORTHERN IRELAND
HD4	UK	LONDONDERRY, NORTHERN IRELAND
HD1	UK	BELFAST, NORTHERN IRELAND
HD9	UK	WARREN POINT, NORTHERN IRELAND
HD3	EI	DUBLIN, IRELAND
HD8	UK	RED BAY, NORTHERN IRELAND

Doc 1

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General John W. Handy

Commander
United States Transportation Command
and
Commander
Air Mobility Command:

An Oral History

Conducted by:

Dr. Jay H. Smith
Director, Research Center
United States Transportation Command

Ms. Lillian Nolan
Command Historian
Air Mobility Command

Scott Air Force Base, Illinois

June 2007

11-06
Doc 2

them enter the port.[69] So we had to go back and think of another plan.

Our only agony in the air, for the most part--if you ask the foreign clearance people and our overflight and landing clearance people, there are lots of agonies at their level--is the process. But there was no state that denied us overflight or landing clearance other than Saudi Arabia, which would periodically, for some reason, decide that "That C-5 coming my way doesn't have dip clearances," so we'd have to divert the plane. That happened more than once. The only other tight spot that I was ever aware of in this whole conflict was Yemen. If you look at the map, at the far end of the Suez-Red Sea, you'll see that you go through a very tight place between Yemen, Djibouti, and the Horn of Africa. There's an airline route there that goes right down the FIR [flight information region] of their borders. Periodically, control would call us and say we weren't allowed to go there. The French let us overfly. Europe let us overfly. We weren't denied seaport access other than Turkey. For me, as I said, I'm glad it worked out like it did, because I think it could have been difficult. Besides we were able to do the Bashur airdrop[70] into northern Iraq and that accomplished the same thing for General Franks.

Ms. Nolan: I know you were concerned that there were vandalism problems at Shannon [International Airport, Ireland], but you made a decision to continue to use it.

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[69] Two Cypriot-flagged ships were not allowed into Turkey and had to transload in Greece.

[70] On 26 March 2003, the first combat air delivery of personnel by C-17s took place. Fifteen C-17s flying from Aviano Air Base, Italy, dropped a total of 964 personnel consisting of paratroopers of the 173d Airborne Brigade and members of the 86th Contingency Response Group onto Bashur Air Base in northern Iraq. The Bashur operation marked the first airdrop of combatants in a contingency since Operation Just Cause in 1989.

Gen Handy: We never got attacked, but there were protesters trying to beat up airplanes. The POLAD advised us through the State Department that the Irish government was afraid that if we pulled out of Shannon, it would send a terrible signal that the protesters had won, and the Irish didn't want us to do that. Once again, we were able to take TRANSCOM capability and make a statement. The last two or three times we've been through Shannon we parked inside a fenced and well-guarded area to preclude anything going wrong. The Irish have been incredibly supportive of us. In this case, we said we're going to keep going through there because that's the right thing to do. If the Irish are willing, and we need them, then we ought to force the issue. We shouldn't let a group of protesters run us out of Ireland. If the Irish had said quit coming to Shannon, then you bet, we'd have found somewhere else to go, but it worked out very well.

Ms. Nolan: And Rome?

Gen Handy: Rome was a commercial issue at one point in time. A commercial carrier got delayed and had to offload a whole bunch of our troops, and that was a surprise to the Italians. We had to work that. That was not an issue with the Italians. It was helping an airline figure out how to care for people and their problems, to be careful where you turn them loose. I mean, compared to a lot of other things, that was not a big issue. Those are little teeny tiny flashes in the pan that the J3 jumped all over.

I would emphasize again that the Turks and everyone, even the Saudis, don't need a reason to turn us around. We have to realize that. We can get pretty pompous when we can't fly through there, but the reality is, look at our airspace. We don't let people just come willy-nilly chugging across our airspace. If we decided this

Washington, Mary CIV USTRANSCOM CS

From: Kasson, Melanie CIV USTRANSCOM J5J4
Sent: Friday, November 05, 2010 11:56 AM
To: Sneider, Kathleen CIV USTRANSCOM J5J4; Walker, Martin CIV USTRANSCOM J5J4; Swezey, Richard CIV USTRANSCOM J5J4
Cc: Jones, Jeffrey CIV USTRANSCOM J5J4; Conklin, Gary CIV USTRANSCOM J5J4; Batchelor, Margaret CIV USTRANSCOM J5J4
Subject: FW: CBP Shannon Brief.pptx
Attachments: CBP Shannon Brief.pptx
Signed By: melanie.kasson@ustranscom.mil

FYI.

-----Original Message-----
From: Shannon, Robert CIV USTRANSCOM J5J4
Sent: Friday, November 05, 2010 11:36 AM
To: Johnson, Jerome CIV USTRANSCOM J5J4
Cc: Smithey, Barry CIV USTRANSCOM J5J4; Kasson, Melanie CIV USTRANSCOM J5J4
Subject: CBP Shannon Brief.pptx

Jay,

FYI. Here is the updated CBP Brief (16 Nov) I discussed w/Barry. Even though Ms Conway offered the 16th and Barry responded with a confirmation---I've still tried to make contact w/her---email/left a phone message.

Thanks
Bob

Doc 3

Shannon Ireland Pre-Clearance Program

- Military Pre-Clearance Program
  - Intent: pre-clear DoD passengers and cargo for entry into U.S.
  - CBP & USDA train/certify DoD personnel and provide oversight
  - Approx 4,000 DoD Customs Border Clearance Agents (CBCAs) are certified for duty in Iraq, Kuwait, Kyrgyzstan, and Afghanistan
    - 60 CBCAs trained/certified for Haiti redeployment/Feb 10
  - CBP considers DoD program credible and "low threat"
- Benefits of Military Pre-Clearance Program
  - Reduced congestion at U.S. ports of entry
  - 100% inspection w/min 10% hands-on baggage exam
  - Expedited return & reconstitution of Armed Forces
  - Material flows thru U.S. ports of entry virtually unimpeded
  - Passenger baggage is x-ray screened at overseas aerial ports

Shannon Ireland Pre-Clearance Program

- Benefits of DoD participation in Shannon Pre-Clearance Program
  - More direct aircraft routing
    - Reduced congestion & CBP workload at U.S. ports of entry
    - Eliminates unnecessary stops at US ports of entry for sole purpose of customs/immigration
    - Decreased total transit times for redeploying troops
    - Passengers debark at US domestic terminals without further CBP engagement; reunites families and troops with minimal delays
      - Affords DoD same advantages as other travelers transiting Shannon
  - Air crew/civilian passengers would also be cleared prior to arrival in US
- Dovetailing Military and Shannon Preclearance program Capabilities
  - Minimizes impact on Shannon commercial preclearance operations
  - Avoids downloading of baggage/cargo at Shannon
  - DoD passengers can complete immigrations process
  - Passengers debark at US domestic terminals/military airfields with no further engagement required by CBP

Shannon Ireland Pre-Clearance Program

- Courses of Action (COA) for DoD Passenger Pre-Clearance
  - COA 1: CBP Leverages Military Preclearance Program at U.S. entry points
    - DoD passengers & civilian crew pre-clear at Military Preclearance sites
    - CBCAs screen DoD passenger/crew baggage using Backscatter NII
    - CBCAs stamp/sign CBP Form 6059b for DoD passengers & crew
    - DoD aircraft fly direct to U.S. final destination (may include tech stops)
  - COA 2: CBP-Shannon Leverages Military Pre-Clearance Program
    - DoD pre-cleared passengers present stamped & signed 6059B to CBP
    - Civ crew process through CBP for pre-clearance (with personal baggage)
    - DoD pre-cleared baggage remains sealed onboard aircraft
  - COA 3: Pre-clear at Shannon without leveraging Military Preclearance
    - DoD pre-cleared Passengers present stamped & signed 6059B to CBP
    - DoD pre-cleared baggage is downloaded, screened and re-loaded

Washington, Mary CIV USTRANSCOM CS

From: Sneider, Kathleen CIV USTRANSCOM J5J4
Sent: Wednesday, November 24, 2010 9:47 AM
To: Shannon, Robert CIV USTRANSCOM J5J4; Johnson, Jerome CIV USTRANSCOM J5J4
Cc: Conklin, Gary CIV USTRANSCOM J5J4; Kasson, Melanie CIV USTRANSCOM J5J4; Swezey, Richard CIV USTRANSCOM J5J4; Walker, Martin CIV USTRANSCOM J5J4
Subject: RE: Shannon Preclearance Brief for TCJ5/4
Attachments: Shannon Preclearance.pptx
Signed By: kathleen.sneider@ustranscom.mil

Bob,

Updated slides per your request.

v/r

Kathy

-----Original Message-----
From: Johnson, Jerome CIV USTRANSCOM J5J4
Sent: Tuesday, November 23, 2010 11:47 AM
To: Sneider, Kathleen CIV USTRANSCOM J5J4; Walker, Martin CIV USTRANSCOM J5J4; Swezey, Richard CIV USTRANSCOM J5J4
Cc: Shannon, Robert CIV USTRANSCOM J5J4; Conklin, Gary CIV USTRANSCOM J5J4; Kasson, Melanie CIV USTRANSCOM J5J4
Subject: Shannon Preclearance Brief for TCJ5/4

Team,
Here's a copy of the slides we briefed BG Johnson this morning. She'd like to present a similar presentation for TCDC later next week. I'll be making a few adjustments to the slides and forwarding to Bob before leaving today.

For Kathy,
Will need your assistance in working with Deb to get meeting requests done for us to brief TCDC along with a pre-brief date with TCJ5/4. We're aiming for Wed (anytime) or the Thursday morning of next week.

Thx,
Jay

Tracking:

Doc 4

Shannon Ireland Pre-Clearance Program

- Background
  - 27 Feb 09 NACA requested DOD charter flights be included in Shannon Preclearance Program
  - USTRANSCOM provided memo to CBP in support of request
  - CBP denied NACA initial blanket request
    - Recommended individual carriers submit formal requests for specific flights
    - Provided procedures for request submissions
  - OMNI Airways submitted requests for individual flights
    - Only repositioning flights (no PAX) have been approved
    - Denials based on:
      - CBP manning levels
      - Concerns about impacts on normal commercial traffic
      - Concerns with irregular/short fuse scheduling for military charters
  - TCJ5/4-P conducting 065 level discussions regarding issues

OPR: J5/4-P

Shannon Ireland Pre-Clearance Program

- CBP Issues Raised at 16 Nov Meeting
  - Irish/USG Agreement excludes "Public" aircraft (e.g. DOD Charters)
  - CBP-Shannon not staffed to support DOD charters
  - New protocols/procedures needed to support DOD charters (weapons, baggage, arrival times, etc)

- TCJA, TCAQ and TCJ5/4-P addressed CBP concerns-18 Nov
  - DOD charters are classified as non-scheduled civil aircraft (charters)—inclusive in Agreement
  - Leveraging Military Preclearance Program in Kuwait is an enabler for CBP-Shannon staff (weapons procedures, baggage screening)
  - Carrier arrival times are somewhat inflexible-- based on MOG, airport connection times in CONUS and arrival/welcome ceremonies

Shannon Ireland Pre-Clearance Program

- Decision Point: Engage CBP Regarding Legal Status of DOD Charters
  - Advantages
    - DOD charters are "eligible flights" as defined in the Agreement (will argue our charters are not "State/Public" aircraft but are non-scheduled civil aircraft)
    - Removes a major CBP obstacle preventing favorable consideration for DOD charter aircraft participation in commercial preclearance at Shannon
  - Risks
    - If CBP acknowledges DOD passenger charter aircraft as not "Public" aircraft, decision could jeopardize some of the exemptions we enjoy for chartered aircraft and vessels (i.e. advance manifesting, EEI, ISF 10+2)
    - Could expose weak points in the military preclearance program (i.e. sterility of pax/cargo enroute to CONUS)
  - If we prevail, CBP will have a host of protocols to workout
    - Could weaken viability of Shannon Preclearance Program (addition time required to preclear pax/baggage, weapons in cabin issues, tagging baggage w/bar code tags, etc) and delay vs expedite aircraft routings

Shannon Ireland Pre-Clearance Program

- PROPOSED Way-Ahead (If command position is to advocate)
  - Final Push at O-6 Level
    - Email asserting DOD eligibility and address remaining CBP concerns
      - Request CBP legal council make contact with TCJA to discuss DOD eligibility
      - Propose use of the Military Preclearance Program to mitigate CBP resource constraints
    - Risk exists for DOD exemptions
  - Potential TCJ5/4 Engagement with CBP Leadership, Assistant Commissioner Office of Field Operations
- Disengagement Strategy
- Congressional Interest at DHS level per LA

OPR: J5/4-P

Shannon Ireland Pre-Clearance Program

BACK UP SLIDES

Shannon Ireland Pre-Clearance Program

- Worldwide Preclearance Locations

Canada

Calgary/Edmonton/Halifax/Montreal/Ottawa/Toronto/Vancouver
Victoria/Winnipeg

Caribbean

Freeport/Nassau/Bermuda/Aruba/

Ireland

Shannon/Dublin

Shannon Ireland Pre-Clearance Program

- Background
  - 27 Feb 09 NACA requested DOD charter flights be included in Shannon Preclearance Program
  - USTRANSCOM provided memo to CBP in support of request
  - CBP denied NACA initial blanket request
    - Recommended individual carriers submit formal requests for specific flights
    - Provided procedures for request submissions
  - OMNI Airways submitted requests for individual flights
    - Only repositioning flights (no PAX) have been approved
    - Denials based on:
      - CBP manning levels
      - Concerns about impacts on normal commercial traffic
      - Concerns with irregular/short fuse scheduling for military charters
  - TCJ5/4-P conducting 065 level discussions regarding issues

OPR: J5/4-P

Shannon Ireland Pre-Clearance Program

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  - CBP-Shannon not staffed to support DOD charters
  - New protocols/procedures needed to support DOD charters (weapons, baggage, arrival times, etc)

- TCJA, TCAQ and TCJ5/4-P addressed CBP concerns-18 Nov
  - DOD charters are classified as non-scheduled civil aircraft (charters)—inclusive in Agreement
  - Leveraging Military Preclearance Program in Kuwait is an enabler for CBP-Shannon staff (weapons procedures, baggage screening)
  - Carrier arrival times are somewhat inflexible-- based on MOG, airport connection times in CONUS and arrival/welcome ceremonies

Shannon Ireland Pre-Clearance Program

- Decision Point: Engage CBP Regarding Legal Status of DOD Charters
  - Advantages
    - DOD charters are "eligible flights" as defined in the Agreement (will argue our charters are not "State/Public" aircraft but are non-scheduled civil aircraft)
    - Removes a major CBP obstacle preventing favorable consideration for DOD charter aircraft participation in commercial preclearance at Shannon
  - Risks
    - If CBP acknowledges DOD passenger charter aircraft as not "Public" aircraft, decision could jeopardize some of the exemptions we enjoy for chartered aircraft and vessels (i.e. advance manifesting, EEI, ISF 10+2)
    - Could expose weak points in the military preclearance program (i.e. sterility of pax/cargo enroute to CONUS)
  - If we prevail, CBP will have a host of protocols to workout
    - Could weaken viability of Shannon Preclearance Program (addition time required to preclear pax/baggage, weapons in cabin issues, tagging baggage w/bar code tags, etc) and delay vs expedite aircraft routings

Shannon Ireland Pre-Clearance Program

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  - Final Push at O-6 Level
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      - Request CBP legal council make contact with TCJA to discuss DOD eligibility
      - Propose use of the Military Preclearance Program to mitigate CBP resource constraints
    - Risk exists for DOD exemptions
  - Potential TCJ5/4 Engagement with CBP Leadership, Assistant Commissioner Office of Field Operations
- Disengagement Strategy
- Congressional Interest at DHS level per LA

Shannon Ireland Pre-Clearance Program

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Shannon Ireland Pre-Clearance Program

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Calgary/Edmonton/Halifax/Montreal/Ottawa/Toronto/Vancouver
Victoria/Winnipeg

Caribbean

Freeport/Nassau/Bermuda/Aruba/

Ireland

Shannon/Dublin

Washington, Mary CIV USTRANSCOM CS

From: Sneider, Kathleen CIV USTRANSCOM J5J4
Sent: Monday, December 13, 2010 11:19 AM
To: Mihalik, Craig LCDR USTRANSCOM J5J4
Cc: Johnson, Jerome CIV USTRANSCOM J5J4; Shannon, Robert CIV USTRANSCOM J5J4
Subject: Point Paper - Shannon Preclearance
Attachments: PP-shannon preclearance.docx
Signed By: kathleen.sneider@ustranscom.mil

Sir,

Please find updated point paper on Shannon Preclearance for the General's trip.
It's been approved at division level.

v/r

Kathy Sneider

DOC 5

SUBJECT: US Customs Preclearance for Military Charters at Shannon International Airport

ISSUE: Support of Preclearance Program at Shannon International Airport (For Information Only)

USTRANSCOM supports the National Air Carrier Association's (NACA) request to include DOD charter flights in the Customs and Border Protection (CBP) Agency's Preclearance Program at Shannon International.

BACKGROUND

- 27 Feb 09 NACA memo to CBP
  - -- Request DOD charter flights be included in Shannon's commercial Preclearance Program
  - -- Memo requested preclearance program be expanded from 8 hour/day ops to 24/7
  - -- USTRANSCOM provided memo to CBP in support of request

- Benefits for DOD
  - -- More direct aircraft routing reduces total transit times for redeploying troops
  - -- Eliminates unnecessary stops at US ports of entry for sole purpose of customs/immigration
  - -- Passengers can debark at US domestic terminals/military airfields without further engagement by CBP
    - ---Helps with connecting flights/reunite with families with minimal delays
    - ---Affords same advantages as general public under Shannon preclearance program
  - -- Air crew/civilian passengers would also be cleared prior to arrival in US
  - -- Leverage CBP approved Military Preclearance program capabilities in CENTCOM AOR to minimize burden on Shannon commercial preclearance operations
    - --- avoid downloading of baggage/cargo at Shannon/ complete immigrations process

- Benefits for CBP
  - -- Reduction in workload at congested US ports of entry
  - -- Reduction in travel/workload for CBP officers to meet returning aircraft at remote airfields

- CBP denied NACA's initial blanket request
  - -- Recommended that individual carriers submit formal requests for specific flights
  - -- Provided procedures for request submissions

CURRENT STATE

- Omni Airways submitted numerous preclearance flight requests
- CBP approved only repositioning flights with no PAX, others denied due to CBP concerns:
  - -- Manning levels sufficient only for one 8 hour (Day) shift
  - -- Military charters may impact normal commercial traffic during normal operating hours
  - -- Irregular/short fuse scheduling for military charters disrupt commercial scheduled flights;
  - -- New protocols/procedures needed to support DOD charters (weapons/baggage/arrivals etc)

Kathleen Sneider/TCJ5/4-PT/X1635/X9617/13 Dec 2010

- TCJ5/4-P conducting discussions with CBP to facilitate agreement with DOD charter carriers
  - -- CBP informal position
    - --- Considers DOD charters "public aircraft" and excluded by the Irish/USG Preclearance Agreement (CBP 19 CFR)
    - --- CBP-Shannon not staffed to support DOD charters
    - --- Protocols/procedures needed to support DOD charters (weapons, bags, arrival times, etc)
  - -- TCJA, TCAQ ,and TCJ5/4 take on CBP's Position
    - --- DOD charters are classified as non-scheduled civil aircraft (charters) and are inclusive in Agreement (DOS policy/DOT 49 CFR)
    - --- Military Preclearance Program in Kuwait is an enabler for CBP-Shannon staff (weapons procedures, baggage screening)
    - --- Carrier arrival times are somewhat inflexible based on MOG, airport connection times in CONUS and arrival/welcome ceremonies

- Risks involved if DOD engages CBP regarding public vs civil aircraft position
  - -- If DOD charters flights are not "public" aircraft, decision could jeopardize some exemptions we enjoy (i.e. advance manifesting, EEI, ISF 10+2)
  - -- May strain DOD/CBP global relationship; DOD afforded several considerations regarding U.S. entry and exit processes; Shannon Preclearance is minor in our scope of operations
  - -- Leveraging military preclearance program capabilities may expose weak points in the program (sterility of pax/cargo enroute to CONUS) and strain DOD/CBP Global relationship

- 9 Dec 10, discussed USTC position with TCDC: Way ahead--move forward to work a solution
- 12 Dec 10, TCJ5/4 conveys USTRANSCOM support for DOD contracted carrier preclearance at Shannon AP to CBP leadership

Kathleen Sneider/TCJ5/4-PT/X1635/X9617/13 Dec 2010

Washington, Mary CIV USTRANSCOM CS

From: Johnson, Jerome CIV USTRANSCOM J5J4
Sent: Monday, October 25, 2010 4:51 PM
To: Smithey, Barry CIV USTRANSCOM J5J4
Cc: Shannon, Robert CIV USTRANSCOM J5J4; Sneider, Kathleen CIV USTRANSCOM J5J4
Subject: TASK1029437517 CI: Visit to USTRANSCOM by Declan Creighan and Maj Gen (Ret) Tuxill, 2 Nov 10
Attachments: PP-shannon preclearance.docx
Signed By: jerome.johnson@ustranscom.mil

Barry,
Spoke to Wayne Manual and he suggested we email the PP to the front office and lateral coord in TMT. Also please cc Wayne on the gem below.

v.r.
Jay
****
Ma'am,

Reference office call scheduled with TCCC and AMC/CC, 1530-1600, 2 Nov 10 in TCCC's office with Mr. Declan Creighan (Shannon, Ireland) and Maj Gen (Ret) Bruce Tuxill (former MD TAG). Purpose of Mr. Creighan's visit is to let TCCC and AMC/CC know his aerial port at Shannon is ready to help whenever necessary.

We've prepared a PP to provide TCCC background information on National Air Carrier Association's efforts to include DOD charter flights in the U.S. Customs and Border Protection (CPA) preclearance program at Shannon Intl Airport. As you're aware this has been a topic of interest for airport officials at Shannon and could be discussed/mentioned during the office call with TCCC.

With your concurrence, we'll upload the PP is TMT and close the tasker.

Barry

Doc 6

SUBJECT: US Customs Preclearance for Military Charters at Shannon International Airport

ISSUE: Support of Preclearance Program at Shannon International Airport (For Information Only)

USTRANSCOM supports the National Air Carrier Association's (NACA) request to include DOD charter flights in the Customs and Border Protection (CBP) Agency's Preclearance Program at Shannon International.

BACKGROUND

- 27 Feb 09 NACA memo to CBP
  - -- Request for DOD charter flights to be included in Shannon Preclearance Program
  - -- Memo requested preclearance program be expanded from 8 hour/day ops to 24/7
  - -- USTRANSCOM provided memo to CBP in support of request

- Benefits for DOD
  - -- More direct aircraft routing reduces total transit times for redeploying troops
  - -- Eliminates unnecessary stops at US ports of entry for sole purpose of customs/immigration
  - -- Passengers can debark at US domestic terminals/military airfields without further engagement by CBP
    - ---Helps with connecting flights/reunite with families with minimal delays
    - ---Affords Military same advantages available to general public under Shannon preclearance program
  - -- Air crew/civilian passengers would also be cleared prior to arrival in US
  - -- Leverage CBP approved Military Preclearance capabilities in Kuwait/Iraq/Afghanistan AOR/minimize burden on Shannon preclearance operations
    - --- avoid downloading of baggage/cargo at Shannon/ complete immigrations process

- Benefits for CBP
  - -- Reduction in workload at congested US ports of entry
  - -- Reduction in travel/workload for CBP officers to meet returning aircraft at remote airfields
  - -- Leverage CBP approved Military Preclearance capabilities in Kuwait/Iraq/Afghanistan to minimize burden on Shannon preclearance operations

- CBP denied NACA's initial blanket request
  - -- Recommended that individual carriers submit formal requests for specific flights
  - -- Provided procedures for request submissions

CURRENT STATE

- Omni Airways has submitted requests for Preclearance of four individual flights
  - -- One approved (repositioning flight with no PAX), three have been denied
    - --- Reason given for denials: CBP HQ exploring resource implications to process military charters
- USTRANSCOM TCJ5/4-P conducting 06 level discussions with CBP HQ to resolve issues
  - -- CBP HQ agreed to host meeting on 16 Nov 10 for way ahead

Kathleen Sneider/TCJ5/4-PT/X1635/25 Oct 2010

Washington, Mary CIV USTRANSCOM CS

From: Johnson, Jerome CIV USTRANSCOM J5J4
Sent: Monday, December 13, 2010 11:22 AM
To: Sneider, Kathleen CIV USTRANSCOM J5J4; Swezey, Richard CIV USTRANSCOM J5J4; Walker, Martin CIV USTRANSCOM J5J4
Subject: Fw: US Customs and Border Protection Operation at Shannon, Ireland Preclearance

Fyi

----- Original Message -----
From: Smithey, Barry CIV USTRANSCOM J5J4
Sent: Sunday, December 12, 2010 12:06 PM
To: Shannon, Robert CIV USTRANSCOM J5J4; Johnson, Jerome CIV USTRANSCOM J5J4
Subject: Fw: US Customs and Border Protection Operation at Shannon, Ireland Preclearance

Fyi

----- Original Message -----
From: Johnson, Michelle Brig Gen USTRANSCOM J5J4
Sent: Sunday, December 12, 2010 11:44 AM
To: Stanton, Donald C Mr OSD ATL
Cc: Roberts, Lisa, Ms, OSD-ATL; Quinlan, Maureen SES USTRANSCOM J5J4; Martin, Larry Col USTRANSCOM J5J4; Manuel, Wayne Maj USTRANSCOM J5J4; Smithey, Barry CIV USTRANSCOM J5J4
Subject: US Customs and Border Protection Operation at Shannon, Ireland Preclearance

Don,

I'm glad that you had the chance to meet Gen McNabb at the NDTA BOD. We're so glad you're on board that that we have another issue with which we'll appreciate OSD TP's help. As you likely know, USTRANSCOM is the Executive Agent for DOD Customs and Border Clearance issues. We've been in contact with US Customs on a new issue, i.e. to afford our DOD Charter air carriers, during technical stops at Shannon Ireland, the opportunity to clear US customs at Customs Border Protection's (CBP) recently opened operating location. This would allow DOD passengers and crew members to avoid an additional stop at US ports of entry (e.g JFK, Bangor Maine etc.) to clear customs. The advantage would be derived from more direct routings and reduced travel and processing time for our redeploying troops--immensely valuable to the troops, their units, and their families. We--including our commander--see real advantages to maximizing customs clearance at Shannon for our missions as a way to achieve more direct routings while improving the quality of life for our returning Airmen, Soldiers, Sailors, and their families.

In our GS-15 level discussion with CBP, we found differences in legal interpretation DOD charter aircraft as "Public Aircraft." And in fairness, there are also manning issues for CBP. I'm engaging with Mr. Vernon Foret at CBP to elevate the issue and will appreciate your support to bring this to fruition. My Division Chief, Mr. Barry Smithey (Policy and Doctrine Division) is going to be in DC next week; and he has worked with Lisa Roberts to schedule a meeting with you on Thursday. Meanwhile, I'll be transiting Shannon with my commander this week. The Shannon Airport Director is a big supporter of the initiative and will surely bring it up (again)!

Best Regards and Many Thanks!
V/R

Michelle

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MICHELLE D. JOHNSON
Brigadier General, USAF
Director of Strategy, Policy, Programs and Logistics (J5/4) United States Transportation Command

Washington, Mary CIV USTRANSCOM CS

From: Johnson, Jerome CIV USTRANSCOM J5J4
Sent: Thursday, November 18, 2010 7:01 AM
To: Walker, Martin CIV USTRANSCOM J5J4; Swezey, Richard CIV USTRANSCOM J5J4; Sneider, Kathleen CIV USTRANSCOM J5J4
Subject: FW: Shannon Preclearance Program
Signed By: jerome.johnson@ustranscom.mil

fyi

-----Original Message-----
From: Johnson, Michelle Brig Gen USTRANSCOM J5J4
Sent: Wednesday, November 17, 2010 4:36 PM
To: Smithey, Barry CIV USTRANSCOM J5J4; Quinlan, Maureen SES USTRANSCOM J5J4
Cc: Johnson, Jerome CIV USTRANSCOM J5J4; Shannon, Robert CIV USTRANSCOM J5J4
Subject: Re: Shannon Preclearance Program

Thanks, Barry...fascinating!

----- Original Message -----
From: Smithey, Barry CIV USTRANSCOM J5J4
Sent: Wednesday, November 17, 2010 10:10 AM
To: Johnson, Michelle Brig Gen USTRANSCOM J5J4; Quinlan, Maureen SES USTRANSCOM J5J4
Cc: Johnson, Jerome CIV USTRANSCOM J5J4; Shannon, Robert CIV USTRANSCOM J5J4
Subject: Shannon Preclearance Program

General, Ms Quinlan,

We had a detailed discussion with Kathleen Conway, Director of CBP's commercial preclearance programs, regarding D0D charter aircraft participating in the Shannon preclearance program. Given CBPs concerns we didn't gain immediate traction regarding approval for our chartered carriers clearing Customs at Shannon with passengers on board.

CBP had 3 major concerns:
- Irish/US Preclearance Agreement excludes public aircraft (e.g. DOD charters) from the program per legal read from CBP general counsel
- CBP-Shannon not staffed to support DOD charters
- New protocols/procedures need to be put in place for military charters (if agreement reached between DOD and Customs)

Believe we can work through the last two concerns by complying with CBP's parameters regarding staffing levels and establishing new procedures. However, the legal interpretation by CBP that our charters are not eligible as "public aircraft" is a major issue---one that we need to handle carefully as this interpretation allows us other latitudes/exemptions from entry requirements levied upon commercial aircraft/vessels.

I have a copy of the US/Ireland agreement and will get opinions from our JA/AQ folks. Once I get that read I'll come back to you with recommendations on further engagement. As a side note, according to the agreement---ferrying flights (crew only) are eligible--CBP will continue approving those on a case by case basis (4 Omni missions have been approved

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thus far).

V/r

Barry

Bien, Jolynn CIV USTRANSCOM CS

From: Sneider, Kathleen CIV USTRANSCOM J5J4
Sent: Wednesday, November 24, 2010 8:45 AM
To: (b)(6) CIV USTRANSCOM J5J4
Cc: Johnson, Jerome CIV USTRANSCOM J5J4; Walker, Martin CIV USTRANSCOM J5J4; Swezey, Richard CIV USTRANSCOM J5J4; Conklin, Gary CIV USTRANSCOM J5J4; Kasson, Melanie CIV USTRANSCOM J5J4
Subject: FW: Shannon Preclearance Brief for TCJ5/4
Attachments: shannonbriefingBriefing Request Format Revised.doc
Signed By: kathleen.sneider@ustranscom.mil

(b)(6)

Attached is briefing request for Shannon Preclearance Brief. Talked to Kari and she said put in the dates we discussed and they would change as necessary. Even through both the General and Ms Quinlan are tdy next week, she told me to put in the tcdc brief for his free time next week.....

v/r

Kathy

-----Original Message-----
From: Johnson, Jerome CIV USTRANSCOM J5J4
Sent: Tuesday, November 23, 2010 11:47 AM
To: Sneider, Kathleen CIV USTRANSCOM J5J4; Walker, Martin CIV USTRANSCOM J5J4; Swezey, Richard CIV USTRANSCOM J5J4
Cc: Shannon, Robert CIV USTRANSCOM J5J4; Conklin, Gary CIV USTRANSCOM J5J4; Kasson, Melanie CIV USTRANSCOM J5J4
Subject: Shannon Preclearance Brief for TCJ5/4

Team,
Here's a copy of the slides we briefed BG Johnson this morning. She'd like to present a similar presentation for TCDC later next week. I'll be making a few adjustments to the slides and forwarding to Bob before leaving today.

For Kathy,
Will need your assistance in working with Deb to get meeting requests done for us to brief TCDC along with a pre-brief date with TCJ5/4. We're aiming for Wed (anytime) or the Thursday morning of next week.

Thx,
Jay

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SUBJECT: Shannon Preclearance Brief

REQUESTED DATE/TIME: TCDC Brief: 9 Dec 2010/0930-1000
TCJ5J4 Pre-Brief: 6 Dec 2010/1330-1400

LOCATION: TCDC Brief: CCR
TCJ5J4 Pre-Brief: J5J4 Office

TCCC OR TCDC COMMENTS (REASON TCCC OR TCDC NEEDS THIS BRIEFING): Request vector check with TCDC to determine viability for continued pursuit of CBP approval for participation of military charter aircraft in the established Shannnon Preclearance program.

DURATION: 30 minutes

CLASSIFIED: YES ___ NO _X__

POWERPOINT: Single, Dual, or N/A

ACTION OFFICER FULL NAME/RANK/OFFICE SYMBOL/PHONE NUMBER (FOR E-MAIL PURPOSES): Kathy Sneider/GS-13/TCJ5J4-PT/229-1985

ATTENDEES:

TCDC Brief: TCDC, TCJ5J4, TCJ5J4-D, TCJ5J4-P/TCJ5J4-PT, USTC-CR-CCR

TCJ5J4 Pre-Brief: TCJ5J4, TCJ5J4D,TCJ5/4-PT/TCJ5/4-PT

OUT-OF-TOWN ATTENDEES: N/A

REMARKS/BACKGROUND: Since Feb 09 NACA has been pursuing approval from CBP for military charters transiting Shannon to be included in the Shannon Preclearance Program. USTC has been providing support for NACA requests. Recent meetings with CBP have raised some issues/risks in continuing to pursue participation in program. Request vector check with TCDC on way ahead.

DIRECTOR APPROVED:

Washington, Mary CIV USTRANSCOM CS

From: Johnson, Jerome CIV USTRANSCOM J5J4
Sent: Monday, December 13, 2010 11:23 AM
To: Sneider, Kathleen CIV USTRANSCOM J5J4; Swezey, Richard CIV USTRANSCOM J5J4; Walker, Martin CIV USTRANSCOM J5J4
Subject: Fw: CBP Preclearance Operation at Shannon, Ireland

Fyi

----- Original Message -----
From: Shannon, Robert CIV USTRANSCOM J5J4
Sent: Monday, December 13, 2010 10:48 AM
To: 'kathleen.conway@dhs.gov' <kathleen.conway@dhs.gov>
Cc: Smithey, Barry CIV USTRANSCOM J5J4; Johnson, Jerome CIV USTRANSCOM J5J4; 'arthur.pitts@dhs.gov' <arthur.pitts@dhs.gov>
Subject: FW: CBP Preclearance Operation at Shannon, Ireland

Ms Conway,

I'm forwarding on behalf of Barry Smithey for your situational awareness.
At last month's meeting, you asked what our sense was with respect to next steps on Shannon preclearance for DOD's charter carriers. Barry indicated we'd kick it around in our building--which we did. Our leadership supports charter carriers' desire to pre-clear at Shannon because it's viewed as a mutual time saving benefit for the carrier and redeploying military members reuniting with their units/families. Below is an email from our leadership to CBP for your situational awareness.

Thanks
Bob Shannon
----- Original Message -----
From: Johnson, Michelle Brig Gen USTRANSCOM J5J4
Sent: Sunday, December 12, 2010 11:27 AM
To: 'Vernon.t.foret@dhs.gov' <Vernon.t.foret@dhs.gov>
Cc: 'John.p.wagner@dhs.gov' <John.p.wagner@dhs.gov>; Quinlan, Maureen SES USTRANSCOM J5J4; Smithey, Barry CIV USTRANSCOM J5J4
Subject: FW: CBP Preclearance Operation at Shannon, Ireland

Mr. Foret:

As the DOD Executive Agent for Customs and Border Clearance issues, we at US Transportation Command have enjoyed a long history of successfully working with your agency to ensure compliance with U.S. entry requirements. Our leads on my Policy staff, Mr Barry Smithey and his team, have worked with your CBP staff very successfully over the years. Now, we face new issue that our staffs have been exploring.

The matter at hand involves DOD charter passenger air carrier requests to use Shannon, Ireland preclearance services when transporting military troops home from Afghanistan and Iraq. Preclearance at Shannon would allow DOD passengers and charter carrier aircrew members to avoid an additional stop at US ports of entry (e.g JFK, Bangor Maine etc.) to clear customs. The advantage would be derived from more direct routings and reduced travel and processing time for our redeploying troops--immensely valuable to the troops, their units, and their families.

Given the mutual benefit to the US Government and military travelers, I would appreciate the opportunity to talk with you about a way forward to include DOD charter aircraft in the

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Shannon preclearance operation within mutually acceptable parameters. I appreciate the complexities, as this would affect both your Military and Commercial portfolios. Still, after our staff's preliminary work, there seem to be just two major areas to reconcile: legal interpretation of DOD commercial chartered aircraft as "Public Aircraft"; and resource/manning implications for your scheduled airline customers.

Many thanks for your time and consideration. I look forward to connecting with you soon.

Respectfully,

Michelle

MICHELLE D. JOHNSON
Brigadier General, USAF
Director of Strategy, Policy, Programs and Logistics (J5/4) United States Transportation Command