

#### § 4.1

rest in the harbor from which it is going.

[T.D. 69-266, 34 FR 20422, Dec. 31, 1969, as amended by T.D. 83-214, 48 FR 46511, Oct. 13, 1983; T.D. 93-78, 58 FR 50256, Sept. 27, 1993; T.D. 93-96, 58 FR 67315, Dec. 21, 1993; CBP Dec. 08-25, 73 FR 40725, July 16, 2008]

#### § 4.1 Boarding of vessels.

(a) Every vessel arriving at a CBP port will be subject to such supervision while in port as the port director considers necessary. The port director may detail CBP officers to remain on board a vessel to secure enforcement of the requirements set forth in this part. CBP may determine to board as many vessels as considered necessary to ensure compliance with the laws it enforces.

(b)(1) No person, with or without the consent of the master, except a pilot in connection with the navigation of the vessel, personnel from another vessel in connection with the navigation of an unmanned barge, an officer of CBP or the Coast Guard, an immigration or health officer, an inspector of the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, or an agent of the vessel or consular officer exclusively for purposes relating to customs formalities, shall go on board any vessel arriving from outside the customs territory of the United States without permission of the port director or the CBP officer in charge until the vessel has been taken in charge by a CBP officer.

(2) A person may leave the vessel for the purpose of reporting its arrival as required by law (see § 4.2), but no other person, except those designated in paragraph (b)(1) of this section, shall leave any vessel arriving from outside the customs territory of the United States, with or without the consent of the master, without the permission of the port director or the CBP officer in charge until the vessel has been properly inspected by CBP and brought into the dock or anchorage at which cargo is to be unladen and until all passengers have been landed from the vessel (19 U.S.C. 1433).

(3) Every person permitted to go on board or to leave without the consent

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of a CBP officer under the provisions of this paragraph shall be subject to CBP and quarantine regulations.

(4) The master of any vessel shall not authorize the boarding or leaving of his vessel by any person in violation of this paragraph.

(c) Persons seeking to board an incoming vessel after it has been inspected by the quarantine authorities and taken in charge by a CBP officer must comply with any applicable Coast Guard regulations regarding the Transportation Worker Identification Credential (TWIC)/personal identification requirements as prescribed in 33 CFR 101.105 and 101.514-515.

(d) No person in charge of a tugboat, rowboat, or other vessel shall bring such conveyance alongside an incoming vessel heretofore described and put on board thereof any person, except as authorized by law or regulations.

[28 FR 14596, Dec. 31, 1963, as amended by T.D. 78-141, 43 FR 22174, May 24, 1978; T.D. 82-224, 47 FR 35475, Aug. 16, 1982; T.D. 92-74, 57 FR 35751, Aug. 11, 1992; T.D. 95-77, 60 FR 50010, Sept. 27, 1995; T.D. 00-4, 65 FR 2872, Jan. 19, 2000; CBP Dec. 14-11, 79 FR 70464, Nov. 26, 2014]

#### § 4.2 Reports of arrival of vessels.

(a) Upon arrival in any port or place within the U.S., including, for purposes of this section, the U.S. Virgin Islands, of any vessel from a foreign port or place, any foreign vessel from a port or place within the U.S., or any vessel of the U.S. carrying foreign merchandise for which entry has not been made, the master of the vessel must immediately report that arrival to the nearest CBP facility or other location designated by the port director. The report of arrival, except as supplemented in local instructions issued by the port director and made available to interested parties by posting in CBP offices, publication in a newspaper of general circulation, and other appropriate means, may be made by any means of communication to the port director or to a CBP officer assigned to board the vessel. The CBP officer may require the production of any documents or papers deemed necessary for the proper inspection/examination of the vessel, cargo, passenger, or crew.

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(b) For purposes of this part, “foreign port or place” includes a hovering vessel, as defined in 19 U.S.C. 1401(k), and any point in customs waters beyond the territorial sea or on the high seas at which a vessel arriving in a port or place in the U.S. has received merchandise.

(c) In the case of certain vessels arriving either in distress or for the limited purpose of taking on certain supplies and departing within a 24-hour time period without having landed or taken on any passengers or other merchandise (see section 441(4), Tariff Act of 1930, as amended), the report must be filed by either the master, owner, or agent, and must be in the form and give the information required by that statute, except that the report need not be under oath. A derelict vessel will be considered one in distress and any person bringing it into port must report its arrival.

(d) The report of baggage and merchandise required to be made by certain passenger vessels making three or more trips a week between U.S. and foreign ports and vessels used exclusively as ferryboats carrying passengers, baggage, or merchandise (see section 441(2), Tariff Act of 1930, as amended), is in addition to the required report of arrival, and must be made within 24 hours of arrival.

[T.D. 93-96, 58 FR 67315, Dec. 21, 1993, as amended by T.D. 94-44, 59 FR 23795, May 9, 1994; CBP Dec. 10-33, 75 FR 69585, Nov. 15, 2010]

#### § 4.3 Vessels required to enter; place of entry.

(a) *Formal entry required.* Unless specifically excepted by law, within 48 hours after the arrival at any port or place in the United States, the following vessels are required to make formal entry:

- (1) Any vessel from a foreign port or place;
- (2) Any foreign vessel from a domestic port;
- (3) Any vessel of the United States having foreign merchandise on board for which entry has not been made; or
- (4) Any vessel which has visited a hovering vessel as defined in 19 U.S.C. 1401(k), or has delivered or received

merchandise or passengers while outside the territorial sea.

(b) *Completion of entry.* (1) When vessel entry is to be made at the customhouse, either the master, licensed deck officer, or purser may appear in person during regular working hours to complete preliminary or formal vessel entry; or necessary documents properly executed by the master or other authorized officer may be delivered at the customhouse by the vessel agent or other personal representative of the master.

(2) The appropriate CBP port director may permit the entry of vessels to be accomplished at locations other than the customhouse, and services may be requested outside of normal business hours. CBP may take local resources into consideration in allowing formal entry to be transacted on board vessels or at other mutually convenient approved sites and times within or outside of port limits. When services are requested to be provided outside the limits of a CBP port, the appropriate port director to whom an application must be submitted is the director of the port located nearest to the point where the proposed services would be provided. That port director must be satisfied that the place designated for formal entry will be sufficiently under CBP control at the time of entry, and that the expenses incurred by CBP will be reimbursed as authorized. It may be required that advance notice of vessel arrival be given as a condition for granting requests for optional entry locations. A master, owner, or agent of a vessel who desires that entry be made at an optional location will file with the appropriate port director an application on CBP Form 3171 and a single entry or continuous bond on CBP Form 301 containing the bond conditions set forth in §113.64 of this chapter, in such amount as that port director deems appropriate but not less than \$1,000. If the application is approved, the port director or a designated CBP officer will formally enter the vessel. Nothing in this paragraph relieves any person or vessel from any requirement as to how, when and where they are to report, be inspected or receive clearance from other