

U.S. Customs and Border Protection, DHS; Treas.

§ 4.7b

this data element must be reported to CBP).

(d) *Crew List.* The Crew List shall be completed in accordance with the requirements of applicable Department of Homeland Security (DHS) regulations administered by CBP (8 CFR part 251).

(e) *Passenger List.* (1) The Passenger List shall be completed in accordance with § 4.50 and with the requirements of applicable DHS regulations administered by CBP (8 CFR part 231), and the following certification shall be placed on its last page:

I certify that CBP baggage declaration requirements have been made known to incoming passengers; that any required CBP baggage declarations have been or will simultaneously herewith be filed as required by law and regulation with the proper CBP officer; and that the responsibilities devolving upon this vessel in connection therewith, if any, have been or will be discharged as required by law or regulation before the proper CBP officer. I further certify that there are no steerage passengers on board this vessel (46 U.S.C. 151-163).

Master

(2) If the vessel is carrying steerage passengers, the reference to steerage passengers shall be deleted from the certification, and the master shall comply with the requirements of § 4.50.

(3) If there are no steerage passengers aboard upon arrival, the listing of the passengers may be in the form of a vessel "souvenir passenger list," or similar list, in which the names of the passengers are listed alphabetically and to which the certificate referred to in paragraph (e)(1) of this section is attached.

(4) All baggage on board a vessel not accompanying a passenger and the marks or addresses thereof shall be listed on the last sheet of the passenger list under the caption "Unaccompanied baggage."

(f) *Failure to provide manifest information; penalties/liquidated damages.* Any master who fails to provide manifest information as required by this section, or who presents or transmits electronically any document required by this section that is forged, altered or false, may be liable for civil penalties as provided under 19 U.S.C. 1436, in ad-

dition to damages under the international carrier bond of \$5,000 for each violation discovered. In addition, if any non-vessel operating common carrier (NVOCC) as defined in § 4.7(b)(3)(ii) elects to transmit cargo declaration information to CBP electronically, and fails to do so as required by this section, or transmits electronically any document required by this section that is forged, altered or false, such NVOCC may be liable for liquidated damages as provided in § 113.64(c) of this chapter of \$5,000 for each violation discovered.

[T.D. 71-169, 36 FR 12602, July 2, 1971]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 4.7a, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 4.7b Electronic passenger and crew arrival manifests.

(a) *Definitions.* The following definitions apply for purposes of this section:

Appropriate official. "Appropriate official" means the master or commanding officer, or authorized agent, owner, or consignee, of a commercial vessel; this term and the term "carrier" are sometimes used interchangeably.

Carrier. See "Appropriate official."

Commercial vessel. "Commercial vessel" means any civilian vessel being used to transport persons or property for compensation or hire.

Crew member. "Crew member" means a person serving on board a vessel in good faith in any capacity required for normal operation and service of the voyage. In addition, the definition of "crew member" applicable to this section should not be applied in the context of other customs laws, to the extent this definition differs from the meaning of "crew member" contemplated in such other customs laws.

Emergency. "Emergency" means, with respect to a vessel arriving at a U.S. port due to an emergency, an urgent situation due to a mechanical, medical, or security problem affecting the voyage, or to an urgent situation affecting the non-U.S. port of destination that necessitates a detour to a U.S. port.

Ferry. "Ferry" means any vessel which is being used to provide transportation only between places that are

no more than 300 miles apart and which is being used to transport only passengers and/or vehicles, or railroad cars, which are being used, or have been used, in transporting passengers or goods.

Passenger. “Passenger” means any person being transported on a commercial vessel who is not a crew member.

United States. “United States” means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands (beginning November 28, 2009).

(b) *Electronic arrival manifest*—(1) *General requirement.* Except as provided in paragraph (c) of this section, an appropriate official of each commercial vessel arriving in the United States from any place outside the United States must transmit to Customs and Border Protection (CBP) an electronic passenger arrival manifest and an electronic crew member arrival manifest. Each electronic arrival manifest:

(i) Must be transmitted to CPB at the place and time specified in paragraph (b)(2) of this section by means of an electronic data interchange system approved by CBP. If the transmission is in US EDIFACT format, the passenger manifest and the crew member manifest must be transmitted separately; and

(ii) Must set forth the information specified in paragraph (b)(3) of this section.

(2) *Place and time for submission*—(i) *General requirement.* The appropriate official must transmit each electronic arrival manifest required under paragraph (b)(1) of this section to the CBP Data Center, CBP Headquarters:

(A) In the case of a voyage of 96 hours or more, at least 96 hours before entering the first United States port or place of destination;

(B) In the case of a voyage of less than 96 hours but at least 24 hours, prior to departure of the vessel;

(C) In the case of a voyage of less than 24 hours, at least 24 hours before entering the first U.S. port or place of destination; and

(D) In the case of a vessel that was not destined to the United States but was diverted to a U.S. port due to an

emergency, before the vessel enters the U.S. port or place to which diverted; in cases of non-compliance, CBP will take into consideration that the carrier was not equipped to make the transmission and the circumstances of the emergency situation.

(ii) *Amendment of crew member manifests.* In any instance where a crew member boards the vessel after initial submission of the manifest under paragraph (b)(2)(i) of this section, the appropriate official must transmit amended manifest information to CBP reflecting the data required under paragraph (b)(3) of this section for the additional crew member. The amended manifest information must be transmitted to the CBP data Center, CBP Headquarters:

(A) If the remaining voyage time after initial submission of the manifest is 24 hours or more, at least 24 hours before entering the first U.S. port or place of destination; or

(B) In any other case, at least 12 hours before the vessel enters the first U.S. port or place of destination.

(3) *Information required.* Each electronic arrival manifest required under paragraph (b)(1) of this section must contain the following information for all passengers and crew members, except that for commercial passenger vessels, the information specified in paragraphs (b)(3)(iv), (v), (x), (xii), (xiii), (xiv), (xvi), (xviii), and (xix) of this section must be included on the manifest only on or after October 4, 2005:

(i) Full name (last, first, and, if available, middle);

(ii) Date of birth;

(iii) Gender (F = female; M = male);

(iv) Citizenship;

(v) Country of residence;

(vi) Status on board the vessel;

(vii) Travel document type (*e.g.*, P = passport, A = alien registration);

(viii) Passport number, if a passport is required;

(ix) Passport country of issuance, if a passport is required;

(x) Passport expiration date, if a passport is required;

(xi) Alien registration number, where applicable;

(xii) Address while in the United States (number and street, city, state,

and zip code), except that this information is not required for U.S. citizens, lawful permanent residents, crew members, or persons who are in transit to a location outside the United States;

(xiii) Passenger Name Record locator, if available;

(xiv) Foreign port/place where transportation to the United States began (foreign port code);

(xv) Port/place of first arrival (CBP port code);

(xvi) Final foreign port/place of destination for in-transit passenger and crew member (foreign port code);

(xvii) Vessel name;

(xviii) Vessel country of registry/flag;

(xix) International Maritime Organization number or other official number of the vessel;

(xx) Voyage number (applicable only for multiple arrivals on the same calendar day); and

(xxi) Date of vessel arrival.

(c) *Exceptions.* The electronic arrival manifest requirement specified in paragraph (b) of this section is subject to the following conditions:

(1) No passenger or crew member manifest is required if the arriving commercial vessel is operating as a ferry;

(2) If the arriving commercial vessel is not transporting passengers, only a crew member manifest is required; and

(3) No passenger manifest is required for active duty U.S. military personnel onboard an arriving Department of Defense commercial chartered vessel.

(d) *Carrier responsibility for comparing information collected with travel document.* The carrier collecting the information described in paragraph (b)(3) of this section is responsible for comparing the travel document presented by the passenger or crew member with the travel document information it is transmitting to CBP in accordance with this section in order to ensure that the information transmitted is correct, the document appears to be valid for travel to the United States, and the passenger or crew member is the person to whom the travel document was issued.

(e) *Sharing of manifest information.* Information contained in passenger and crew member manifests that is received by CBP electronically may,

upon request, be shared with other Federal agencies for the purpose of protecting national security. CBP may also share such information as otherwise authorized by law.

[CBP Dec. 05-12, 70 FR 17850, Apr. 7, 2005, as amended by CBP Dec.09-02, 74 FR 2836, Jan. 16, 2009; CBP Dec. 09-14, 74 FR 25388, May 28, 2009]

§ 4.7c Vessel stow plan.

Vessel stow plan required. In addition to the advance filing requirements pursuant to §§ 4.7 and 4.7a of this part and the container status message requirements pursuant to § 4.7d of this part, for all vessels subject to § 4.7(a) of this part, except for any vessel exclusively carrying break bulk cargo or bulk cargo as prescribed in § 4.7(b)(4) of this part, the incoming carrier must submit a vessel stow plan consisting of vessel and container information as specified in paragraphs (b) and (c) of this section within the time prescribed in paragraph (a) of this section via the CBP-approved electronic data interchange system.

(a) *Time of transmission.* Customs and Border Protection (CBP) must receive the stow plan no later than 48 hours after the vessel departs from the last foreign port. For voyages less than 48 hours in duration, CBP must receive the stow plan prior to arrival at the first U.S. port.

(b) *Vessel information required to be reported.* The following information must be reported for each vessel:

(1) Vessel name (including international maritime organization (IMO) number);

(2) Vessel operator; and

(3) Voyage number.

(c) *Container information required to be reported.* The following information must be reported for each container carried on each vessel:

(1) Container operator;

(2) Equipment number;

(3) Equipment size and type;

(4) Stow position;

(5) Hazmat code (if applicable);

(6) Port of lading; and

(7) Port of discharge.

(d) *Compliance date of this section.* (1) *General.* Subject to paragraph (d)(2) of this section, all affected ocean carriers must comply with the requirements of