§ 4.1 Boarding of vessels; cutter and dock passes.

(a) Every vessel arriving at a Customs port will be subject to such supervision while in port as the port director considers necessary. The port director may detail Customs officers to remain on board a vessel to secure enforcement of the requirements set forth in this part. Customs 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 Customs 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 Customs officer in charge until the vessel has been properly inspected by Customs and brought into the dock or anchorage at which cargo is to be landed and until all passengers have been landed from the vessel (19 U.S.C. 1433).

(b)(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 Customs officer in charge until the vessel has been properly inspected by Customs and brought into the dock or anchorage at which cargo is to be landed and until all passengers have been landed from the vessel (19 U.S.C. 1433).

(b)(3) Every person permitted to go on board or to leave without the consent of a Customs officer under the provisions of this paragraph shall be subject to Customs and quarantine regulations.

(b)(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) A port director, in his discretion may issue a cutter pass on Customs Form 3093 to permit the holder to board an incoming vessel after it has been inspected by the quarantine authorities and taken in charge by an officer of the Customs, as follows: (1) To persons on official business; (2) to news reporters, newspaper photographers, photographers of established motionpicture companies, and broadcasters of established radio broadcasting companies; and (3) in cases of special exigency in which the port director is satisfied as to the urgent need for the boarding and that its allowance will not result in undue interference with the performance of official business.

(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.

(e) [Reserved]

(f) Term cutter and dock passes, for a period of not to exceed one year, may be issued in the discretion of the port director, to persons on official business and to duly accredited news reporters and newspaper photographers. Passes are not transferable and shall be forfeited upon presentation by others than those to whom issued.

§ 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 in-
structions issued by the port director
and made available to interested par-
ties by posting in CBP offices, publica-
tion in a newspaper of general circula-
tion, and other appropriate means,
may be made by any means of commu-
nication to the port director or to a
CBP officer assigned to board the ves-
sel. The CBP officer may require the
production of any documents or papers
deemed necessary for the proper in-
spection/examination of the vessel,
cargo, passenger, or crew.

(b) For purposes of this part, “foreign
port or place” includes a hovering ves-
sel, 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 merchan-
dise.

(c) In the case of certain vessels ar-
riving either in distress or for the lim-
it purpose of taking on certain sup-
plies and departing within a 24-hour
time period without having landed or
taken on any passengers or other mer-
chandise (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 mer-
chandise required to be made by cer-
tain passenger vessels making three or
more trips a week between U.S. and
foreign ports and vessels used exclu-
sively as ferryboats carrying pas-
sengers, 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. 19–33, 75 FR 69585, Nov. 15,
2010)