

quired in connection with the unloading shall, for every day consumed in unloading in excess of twenty-five days from the date of the vessel's entry, be reimbursed by the master or owner of such vessel.

(June 17, 1930, ch. 497, title IV, § 458, 46 Stat. 717.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Sept. 21, 1922, ch. 356, title IV, § 458, 42 Stat. 956. That section was superseded by section 458 of act June 17, 1930, comprising this section, and repealed by section 651(a)(1) of the 1930 act.

Provisions somewhat similar to those in this section, but applicable only to vessels laden with specified articles, were contained in R.S. §2881, as amended by act June 3, 1892, ch. 86, §2, 27 Stat. 41, prior to repeal by act Sept. 21, 1922, ch. 356, title IV, §642, 42 Stat. 989.

#### § 1459. Reporting requirements for individuals

##### (a) Individuals arriving other than by conveyance

Except as otherwise authorized by the Secretary, individuals arriving in the United States other than by vessel, vehicle, or aircraft shall—

- (1) enter the United States only at a border crossing point designated by the Secretary; and
- (2) immediately—
  - (A) report the arrival, and
  - (B) present themselves, and all articles accompanying them for inspection;

to the customs officer at the customs facility designated for that crossing point.

##### (b) Individuals arriving by reported conveyance

Except as otherwise authorized by the Secretary, passengers and crew members aboard a conveyance the arrival in the United States of which was made or reported in accordance with section 1433 or 1644 of this title or section 1644a(b)(1) or (c)(1) of this title, or in accordance with applicable regulations, shall remain aboard the conveyance until authorized to depart the conveyance by the appropriate customs officer. Upon departing the conveyance, the passengers and crew members shall immediately report to the designated customs facility with all articles accompanying them.

##### (c) Individuals arriving by unreported conveyance

Except as otherwise authorized by the Secretary, individuals aboard a conveyance the arrival in the United States of which was not made or reported in accordance with the laws or regulations referred to in subsection (b) of this section shall immediately notify a customs officer and report their arrival, together with appropriate information concerning the conveyance on or in which they arrived, and present their property for customs examination and inspection.

##### (d) Departure from designated customs facilities

Except as otherwise authorized by the Secretary, any person required to report to a designated customs facility under subsection (a), (b), or (c) of this section may not depart that facility until authorized to do so by the appropriate customs officer.

#### (e) Unlawful acts

It is unlawful—

- (1) to fail to comply with subsection (a), (b), or (c) of this section;
- (2) to present any forged, altered, or false document or paper to a customs officer under subsection (a), (b), or (c) of this section without revealing the facts;
- (3) to violate subsection (d) of this section; or
- (4) to fail to comply with, or violate, any regulation prescribed to carry out subsection (a), (b), (c), or (d) of this section.

#### (f) Civil penalty

Any individual who violates any provision of subsection (e) of this section is liable for a civil penalty of \$5,000 for the first violation, and \$10,000 for each subsequent violation.

#### (g) Criminal penalty

In addition to being liable for a civil penalty under subsection (f) of this section, any individual who intentionally violates any provision of subsection (e) of this section is, upon conviction, liable for a fine of not more than \$5,000, or imprisonment for not more than 1 year, or both.

(June 17, 1930, ch. 497, title IV, § 459, 46 Stat. 717; June 25, 1938, ch. 679, §10(a), 52 Stat. 1082; Pub. L. 99-570, title III, §3115(a), Oct. 27, 1986, 100 Stat. 3207-82.)

#### Editorial Notes

##### CODIFICATION

In subsec. (b), “section 1644a(b)(1) or (c)(1) of this title” substituted for “section 1109 of the Federal Aviation Act of 1958” on authority of Pub. L. 103-272, §6(b), July 5, 1994, 108 Stat. 1378, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation.

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Sept. 21, 1922, ch. 356, title IV, § 459, 42 Stat. 956. That section was superseded by section 459 of act June 17, 1930, comprising this section, and repealed by section 651(a)(1) of the 1930 act.

R.S. §3109, as amended by act Feb. 17, 1898, ch. 26, §4, 30 Stat. 248, was omitted from the Code as superseded by this section. It read as follows: “The master of any foreign vessel, laden or in ballast, arriving, whether by sea or otherwise, in the waters of the United States from any foreign territory adjacent to the northern, northeastern, or northwestern frontiers of the United States, shall report at the office of any collector or deputy collector of the customs, which shall be nearest to the point at which such vessel may enter such waters; and such vessel shall not transfer her cargo or passengers to another vessel or proceed farther inland, either to unload or take in cargo, without a special permit from such collector or deputy collector, issued under and in accordance with such general or special regulations as the Secretary of the Treasury may, in his discretion, from time to time prescribe. This section shall also apply to trade with or through Alaska. For any violation of this section such vessel shall be seized and forfeited.”

Provisions concerning the manner of importation, landing and unloading except in districts on the northern, northwestern and western boundaries, were contained in R.S. §3095, as amended by act April 27, 1904, ch. 1625, §1, 33 Stat. 362.

Additional provisions concerning importations on the northern and northwestern boundaries, reports, mani-

tests, entries, etc., were contained in R.S. §§3096 and 3097.

Provisions for the delivery of a manifest by the master of vessels, except registered vessels, and the person in charge of boats, vehicles, etc., coming from any foreign territory adjacent to the United States, were contained in R.S. § 3098.

R.S. §3121, provided that the master of any vessel with cargo, passengers, or baggage from any foreign port, should obtain a permit and comply with existing laws before discharging or landing the same.

R.S. §3128, made special provision for landing of merchandise imported by steamboat on Lake Champlain.

All of the foregoing sections of the Revised Statutes (3095-3098, 3109, 3121 and 3128) with the exception of R.S. §3109, were repealed by act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

#### AMENDMENTS

1986—Pub. L. 99-570 amended section generally. Prior to amendment, section read as follows: “The master of any vessel of less than five net tons carrying merchandise and the person in charge of any vehicle arriving in the United States from contiguous country, shall immediately report his arrival to the customs officer at the port of entry or customhouse which shall be nearest to the place at which such vessel or vehicle shall cross the boundary line or shall enter the territorial waters of the United States, and if such vessel or vehicle have on board any merchandise, shall produce to such customs officer a manifest as required by law, and no such vessel or vehicle shall proceed farther inland nor shall discharge or land any merchandise, passengers, or baggage without receiving a permit therefor from such customs officer. Any person importing or bringing merchandise into the United States from a contiguous country otherwise than in a vessel or vehicle shall immediately report his arrival to the customs officer at the port of entry or customhouse which shall be nearest to the place at which he shall cross the boundary line and shall present such merchandise to such customs officer for inspection.”

1938—Act June 25, 1938, substituted provisions requiring any person importing merchandise from a contiguous country otherwise than in a vessel to report his arrival at the nearest customhouse and present such merchandise for inspection for provisions setting penalties of \$100 for the failure of the master of any vessel to report its arrival in the United States, forfeiture of vessel and goods for unlading without a permit, and \$500 for the unlading of any passenger without a permit.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on thirtieth day following June 25, 1938, except as otherwise specifically provided, see section 37 of act June 25, 1938, set out as a note under section 1401 of this title.

#### § 1460. Repealed. Pub. L. 99-570, title III, § 3115(b), Oct. 27, 1986, 100 Stat. 3207-83

Section, acts June 17, 1930, ch. 497, title IV, § 460, 46 Stat. 717; June 25, 1938, ch. 679, §10(b), 52 Stat. 1082, related to penalties for failure to report or file manifest.

#### § 1461. Inspection of merchandise and baggage<sup>1</sup>

All merchandise and baggage imported or brought in from any contiguous country, except as otherwise provided by law or by regulations of the Secretary of the Treasury, shall be unladed in the presence of and be inspected by a customs officer at the first port of entry at

<sup>1</sup> See Codification note below.

which the same shall arrive; and such officer may require the owner, or his agent, or other person having charge or possession of any trunk, traveling bag, sack, valise, or other container, or of any closed vehicle, to open the same for inspection, or to furnish a key or other means for opening the same.

(June 17, 1930, ch. 497, title IV, § 461, 46 Stat. 717.)

#### Editorial Notes

##### CODIFICATION

As enacted by act June 17, 1930, the catchline for this section was “Same—inspection”, as this section was intended to be read as a continuation of the provisions introduced in section 1459 of this title. When first enacted, section 1459 of this title related to arrival in the United States from a contiguous country but has since been amended by Pub. L. 99-570 to relate to arrival more generally.

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in R.S. §3100, as amended by act Feb. 18, 1875, ch. 80, §1, 18 Stat. 319, and act Feb. 27, 1877, ch. 69, §1, 19 Stat. 248, which was superseded by act Sept. 21, 1922, ch. 356, title IV, § 461, 42 Stat. 956, and was repealed by section 642 thereof. Section 461 of the 1922 act was superseded by section 461 of act June 17, 1930, comprising this section, and repealed by section 651(a)(1) of the 1930 act.

#### § 1462. Forfeiture<sup>1</sup>

If such<sup>1</sup> owner, agent, or other person shall fail to comply with his demand, the officer<sup>1</sup> shall retain such trunk, traveling bag, sack, valise, or other container or closed vehicle, and open the same, and, as soon thereafter as may be practicable, examine the contents, and if any article subject to duty or any article the importation of which is prohibited is found therein, the whole contents and the container or vehicle shall be subject to forfeiture.

(June 17, 1930, ch. 497, title IV, § 462, 46 Stat. 718.)

#### Editorial Notes

##### CODIFICATION

As enacted by act June 17, 1930, the catchline for this section was “Same—forfeiture”, as this section was intended to be read as a continuation of the provisions introduced in section 1459 of this title. When first enacted, section 1459 of this title related to arrival in the United States from a contiguous country but has since been amended by Pub. L. 99-570 to relate to arrival more generally. The uses of “such” and “the officer” in text are meant to refer back to section 1461 of this title.

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in R.S. §3101, which was superseded by act Sept. 21, 1922, ch. 356, title IV, § 462, 42 Stat. 956, and was repealed by section 642 thereof. Section 462 of the 1922 act was superseded by section 462 of act June 17, 1930, comprising this section, and repealed by section 651(a)(1) of the 1930 act.

#### § 1463. Sealed vessels and vehicles<sup>1</sup>

To avoid unnecessary inspection of merchandise imported from a contiguous country at the

<sup>1</sup> See Codification note below.

<sup>1</sup> See Codification note below.