

## **CUSTOMS DIRECTIVE**

**ORIGINATING OFFICE:** FO:TP

**DISTRIBUTION:** S-01

**CUSTOMS DIRECTIVE NO.** 3120-019

**DATE:** AUGUST 15, 2001

**SUPERSEDES:**

**REVIEW DATE:** AUGUST 2003

### **SUBJECT: REQUESTS BY OTHER GOVERNMENT AGENCIES TO DENY CLEARANCE TO VESSELS**

**1 PURPOSE.** To provide national guidelines in handling requests by other government agencies to deny clearances to vessels.

**2 POLICY.** The procedures set forth in this directive shall be followed to prevent any liability on the part of Customs Officers involved.

**3 AUTHORITIES/REFERENCES.** 46 U.S.C. App. 91; 19 CFR 4.61

#### **4 RESPONSIBILITIES.**

**4.1** The Directors, Field Operations, Customs Management Center are responsible for implementing this directive.

**4.2** Port Directors will ensure local procedures accommodate these guidelines and will make the final decision with respect to this directive.

#### **5 PROCEDURES.**

**5.1** Requests from other government agencies to deny clearance to a vessel must be in writing, printed on agency letterhead and must include the following:

5.1.1 Reason for the denial.

5.1.2 Specific statute used as the basis for the denial.

5.1.3 Name and phone number of the person requesting the denial.

5.1.4 Duration of the denial period stating the dates and/or conditions that must be met before clearance may be granted.

5.1.5 Signature of the person authorizing the request for the denial of clearance.

5.1.6 Requests may be sent by mail or fax. If faxed, contents and signature of the

letter must be legible.

5.2 Requests that are vague, open-ended and/or which do not cite a specific statutory authority are not acceptable.

5.3 The Port Director is the Customs official who will make the final decision with respect to denial of clearance.

5.4 Where the Port Director does not feel that the appropriate determination is clear, he or she should consult with the appropriate Associate Chief Counsel and/or the Entry Procedures and Carriers Branch.

**6. MEASUREMENTS.** When the request for the denial is accepted by Customs, the letter will be kept on file at the port for future reference and tracking purposes.

Assistant Commissioner  
Office of Field Operations