

CUSTOMS DIRECTIVE

ORIGINATING OFFICE: FO:ASD

DISTRIBUTION: S-01

CUSTOMS DIRECTIVE NO. 4410-005A

DATE: JANUARY 4, 2001

SUPERSEDES: 4410-005, 11/25/87

REVIEW DATE: JANUARY 2003

SUBJECT: ENFORCEMENT RESPONSIBILITIES OF COAST GUARD AND
CUSTOMS FOR CERTAIN NAVIGATION LAWS

1 **PURPOSE.** This directive states the enforcement responsibilities of the Coast Guard and Customs Service for violations of certain navigation laws.

2 **POLICY.** Treasury Department Order 167-81, dated January 30, 1967, transferred from Customs to the Coast Guard various functions under the navigation laws, including vessel admeasurement and documentation. Some of those laws covered functions shared by both agencies, as stated in Article 4(b) and (c) of a Memorandum of Agreement dated July 10, 1978. As a result, the responsibility for enforcement of certain navigation laws, which had been administered and enforced solely by Customs, became the responsibility of both agencies. From time to time Headquarters has received inquiries regarding which agency is to assume enforcement responsibilities for alleged violations of seven of the navigation laws that cover shared functions.

3 **REFERENCES.** 46 USC 277, 292, 319, 325, 883-1, 883a, 12122(b) & (c).

4 **RESPONSIBILITIES.** Port directors are responsible for carrying out the procedures outlined in this directive.

5 **PROCEDURES.**

5.1 The responsibility for the enforcement of the navigation laws cited below is as follows:

5.2 Section 277, title 46 United States Code. Whichever agency discovers the violation will assume the enforcement responsibility.

5.3 Section 292, title 46, United States Code. Customs assumes the enforcement responsibility.

5.4 Section 319, title 46, United States Code. Whichever agency discovers the violation will assume the enforcement responsibility. Because, however, most violations of the statute will be discovered by the Coast Guard in an application for license renewal, the port directors shall refer to the nearest Coast Guard office a report

on circumstances that may appear to be a violation involving an expired or invalid marine document.

5.5 Section 325, title 46, United States Code. The Coast Guard assumes the enforcement responsibility, Customs will enforce applicable statutes for violations involving any merchandise of foreign manufacture, found aboard a licensed vessel, on which the duties or taxes have not been paid or have been secured to be paid.

5.6 Section 883-1, title 46, United States Code. The Coast Guard assumes the enforcement responsibility for violations resulting from a misstatement of fact in obtaining the required certificate. Customs assumes enforcement responsibility for violations of this section involving the transportation of merchandise or passengers for hire or for engaging in the fisheries.

5.7 Section 883a, title 46, United States Code. Customs assumes the enforcement responsibility. Port directors shall advise the nearest Coast Guard office of violations discovered by Customs officers (see section 4.7(d)(4), Customs Regulations).

5.8 Section 12122(b) & (c), title 46, United States Code. Whichever agency discovers the violation will assume the enforcement responsibility. Based upon the enforcement structure of the Coast Guard and Customs, the Coast Guard will most likely come into contact with violations under this section concerning fraudulent attempts to obtain marine documents; whereas Customs will be more likely to discover violations involving the fraudulent use of marine documents.

Assistant Commissioner
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