

offer by tendering a bank draft for the amount of the offer payable to the Secretary of the Treasury for collection and deposit. If the offer is rejected, the money will be returned to the proponent.

(Sec. 617, 46 Stat. 757, as amended; 19 U.S.C. 1617)

Subpart B—Compensation of Informant

SOURCE: T.D. 91-14, 56 FR 5349, Feb. 11, 1991, unless otherwise noted.

§ 161.12 Eligibility for compensation.

In accordance with section 619, Tariff Act of 1930, as amended (19 U.S.C. 1619), any person not an employee or officer of the United States who either furnishes original information concerning any fraud upon the customs revenue or any violation, perpetrated or contemplated, of the customs or navigation laws or any other laws administered or enforced by Customs, or detects and seizes any item subject to seizure and forfeiture under the customs or navigation laws or other laws enforced by Customs and reports the same to a Customs officer, may file a claim for compensation, provided there is a net amount recovered from such detection and seizure or such information, unless other laws specify different procedures. Any employee or officer of the United States who receives, accepts, or contracts for any portion of such compensation, either directly or indirectly, is subject to criminal prosecution and civil liability as provided by 19 U.S.C. 1620.

[T.D. 98-22, 63 FR 11826, Mar. 11, 1998]

§ 161.14 Advising informant of entitlement.

Any Customs officer who receives information shall advise the informant that, in the event of a recovery, he may be entitled to compensation. He shall also advise the informant that, if the informant has executed a stipulation to that effect, any amount received by the informant in the form of purchase of evidence or purchase of information will be deducted from any compensation which may be awarded.

§ 161.15 Confidentiality for informant.

The name and address of the informant shall be kept confidential. No files or information shall be revealed which might aid in the unauthorized identification of an informant. Release of information is governed by §§ 103.12(g)(4) and 103.12(i) of this chapter.

§ 161.16 Filing a claim for informant compensation.

(a) *Limitations on claims.* Pursuant to 19 U.S.C. 1619, an informant may be paid up to 25 percent of the net recovery to the government from duties withheld; from any fine (civil or criminal), forfeited bail bond, penalty, or forfeiture incurred; or, if the forfeiture is remitted, from the monetary penalty recovered for remission of the forfeiture. The amount of the award paid to informants shall not exceed \$250,000 for any one case, regardless of the number of recoveries that result from the information furnished; however, no claim of less than \$100 will be paid.

(b) *Filing of claim.* A claim shall be filed, in duplicate, on Customs Form 4623 with the Special Agent in Charge, who shall make a recommendation on the form as to approval and the amount of the award. The Special Agent in Charge shall forward the form to the port director, who shall make a recommendation on the form as to approval and the amount of the award. The port director shall forward the form to Customs Headquarters for action. If for any reason a claim has not been transmitted by the port director, the claimant may apply directly to Customs Headquarters.

[T.D. 98-22, 63 FR 11826, Mar. 11, 1998]

PART 162—INSPECTION, SEARCH, AND SEIZURE

Sec.
162.0 Scope.

Subpart A—Inspection, Examination, and Search

162.1–162.2 [Reserved]

162.3 Boarding and search of vessels.

162.4 Search for letters.

162.5 Search of arriving vehicles and aircraft.

Pt. 162

19 CFR Ch. I (4-1-06 Edition)

- 162.6 Search of persons, baggage, and merchandise.
- 162.7 Search of vehicles, persons or beasts.
- 162.8 Preclearance inspections and examinations.

Subpart B—Search Warrants

- 162.11 Authority to procure warrants.
- 162.12 Service of search warrant.
- 162.13 Search of rooms not described in warrant.
- 162.15 Receipt for seized property.

Subpart C—Seizures

- 162.21 Responsibility and authority for seizures.
- 162.22 Seizure of conveyances.
- 162.23 Seizure under section 596(c), Tariff Act of 1930, as amended (19 U.S.C. 1595a(c)).

Subpart D—Procedure When Fine, Penalty or Forfeiture Incurred

- 162.31 Notice of fine, penalty or forfeiture incurred.
- 162.32 Where petition for relief not filed.

Subpart E—Treatment of Seized Merchandise

- 162.41 [Reserved]
- 162.42 Proceedings by libel.
- 162.43 Appraisalment.
- 162.44 Release on payment of appraised value.
- 162.45 Summary forfeiture: Property other than Schedule I and Schedule II controlled substances. Notice of seizure and sale.
- 162.45a Summary forfeiture of Schedule I and Schedule II controlled substances.
- 162.46 Summary forfeiture: Disposition of goods.
- 162.47 Claim for property subject to summary forfeiture.
- 162.48 Disposition of perishable and other seized property.
- 162.49 Forfeiture by court decree.
- 162.50 Forfeiture by court decree: Disposition.
- 162.51 Disposition of proceeds of sale of property seized and forfeited other than under 19 U.S.C. 1592.
- 162.52 Disposition of proceeds of sale of property seized and forfeited under 19 U.S.C. 1592.

Subpart F—Controlled Substances, Narcotics, and Marihuana

- 162.61 Importing and exporting controlled substances.
- 162.62 Permissible controlled substances on vessels, aircraft and individuals.
- 162.63 Arrests and seizures.

- 162.64 Custody of controlled substances.
- 162.65 Penalties for failure to manifest narcotic drugs or marihuana.
- 162.66 Penalties for unlading narcotic drugs or marihuana without a permit.

Subpart G—Special Procedures for Certain Violations

- 162.70 Applicability.
- 162.71 Definitions.
- 162.72 Penalties and forfeitures under sections 466 and 584(a)(1), Tariff Act of 1930, as amended.
- 162.73 Penalties under section 592, Tariff Act of 1930, as amended.
- 162.73a Penalties under section 593A, Tariff Act of 1930, as amended.
- 162.74 Prior disclosure.
- 162.75 Seizures limited under section 592, Tariff Act of 1930, as amended.
- 162.76 Prepenalty notice for violations of sections 466 or 584(a)(1), Tariff Act of 1930, as amended.
- 162.77 Prepenalty notice for violations of section 592, Tariff Act of 1930, as amended.
- 162.77a Prepenalty notice for violation of section 539A, Tariff Act of 1930, as amended.
- 162.78 Presentations responding to prepenalty notice.
- 162.79 Determination as to violation.
- 162.79a Other notice.
- 162.79b Recovery of actual loss of duties, taxes and fees or actual loss of revenue.
- 162.80 Liability for duties; liquidation of entries.

Subpart H—Civil Asset Forfeiture Reform Act

- 162.91 Exemptions.
- 162.92 Notice of seizure.
- 162.93 Failure to issue notice of seizure.
- 162.94 Filing of a claim for seized property.
- 162.95 Release of seized property.
- 162.96 Remission of forfeitures and payment of fees, costs or interest.

AUTHORITY: 5 U.S.C. 301; 19 U.S.C. 66, 1592, 1593a, 1624.

Section 162.3 also issued under 19 U.S.C. 1581;

Section 162.4 also issued under 39 U.S.C. 604, 605;

Section 162.5 also issued under 19 U.S.C. 1581, 49 U.S.C. 1509;

Section 162.6 also issued under 19 U.S.C. 1461, 1467, 1496;

Section 162.7 also issued under 19 U.S.C. 482;

Section 162.8 also issued under 9 U.S.C. 1629;

Section 162.21 also issued under 19 U.S.C. 482, 1581, 1582, 1602;

Section 162.22 also issued under 18 U.S.C. 546; 19 U.S.C. 1459, 1460, 1594, 1595a, 1701, 1703–1708.

Section 162.23 also issued under 19 U.S.C. 1595a(c).

Section 162.32 also issued under 19 U.S.C. 1603, 1610;

Section 162.32 also issued under 19 U.S.C. 1603, 1610;

Section 162.43 also issued under 19 U.S.C. 1606, 1608;

Section 162.44 also issued under 19 U.S.C. 1614;

Section 162.45 also issued under 19 U.S.C. 1607, 1608;

Section 162.45a also issued under 21 U.S.C. 881;

Section 162.46 also issued under 19 U.S.C. 1609, 1611;

Section 162.47 also issued under 19 U.S.C. 1608;

Section 162.48 also issued under 19 U.S.C. 1606, 1607, 1608, 1612, 1613b, 1618;

Section 162.49 also issued under 26 U.S.C. 5688;

Section 162.50 also issued under 19 U.S.C. 1611, 1705;

Section 162.61 also issued under 21 U.S.C. 952, 953, 957;

Section 162.62 also issued under 21 U.S.C. 952, 956;

Sections 162.63, 162.64 also issued under 21 U.S.C. 881, 966;

Section 162.65 also issued under 19 U.S.C. 1584, 21 U.S.C. 960, 961.

Sections 162.65 and 162.72 also issued under 19 U.S.C. 1431(b) and 19 U.S.C. 1644.

Sections 162.91 through 162.96 also issued under 18 U.S.C. 983.

SOURCE: T.D. 72-211, 37 FR 16488, Aug. 15, 1972, unless otherwise noted.

§ 162.0 Scope.

This part contains provisions for the inspection, examination, and search of persons, vessels, aircraft, vehicles, and merchandise involved in importation, for the seizure of property, and for the forfeiture and sale of seized property. It also contains provisions for Customs enforcement of the controlled substances laws. Provisions relating to petitions for remission or mitigation of fines, penalties, and forfeitures incurred are contained in part 171 of this chapter. Additional provisions concerning records maintenance and examination applicable to U.S. importers, exporters and producers under the U.S.–Chile Free Trade Agreement are

contained in Part 10, Subpart H of this chapter.

[T.D. 98-56, 63 FR 32945, June 16, 1998, as amended by CBP Dec. 05-07, 70 FR 10884, Mar. 7, 2005]

Subpart A—Inspection, Examination, and Search

SOURCE: T.D. 79-159, 44 FR 31970, June 4, 1979, unless otherwise noted.

§§ 162.1–162.2 [Reserved]

§ 162.3 Boarding and search of vessels.

(a) *General authority.* A Customs officer, for the purpose of examining the manifest and other documents and papers and examining, inspecting and searching the vessel, may at any time go on board:

(1) Any vessel at any place in the United States or within the Customs waters of the United States;

(2) Any American vessel on the high seas;

(3) Any vessel within a Customs-enforcement area designated such under the provisions of the Anti-Smuggling Act (Act of August 5, 1935, as amended, 49 Stat. 517; 19 U.S.C. 1701, 1703 through 1711), but Customs officers shall not board a foreign vessel upon the high seas in contravention of any treaty with a foreign government, or in the absence of a special arrangement with the foreign government concerned.

(b) *Search of army or navy vessel.* If the port director or special agent in charge believes that sufficient grounds exist to justify a search of any army or navy vessel, the facts shall be reported to the commanding officer or master of the vessel with a request that he cause a full search to be made, and advise the port director or special agent in charge of the result of such search. If, after the cargo has been discharged, passengers and their baggage landed, and the baggage of officers and crewmembers examined and passed, the port director or special agent in charge believes that sufficient grounds exist to justify the continuance of Customs supervision of the vessel, the commanding officer or master of the vessel shall be advised accordingly.

(c) *Assistance of other agencies.* Customs officers are authorized to assist