

Southern Currents



Notice to the Area Port of New Orleans Trade Community

Date: October 19, 2023

No: 24-004

*****Update to Southern Currents 13-009 *****

SUBJECT: Procedures for vessels that wish to depart the Port of New Orleans Tri-Port to await orders or to clean cargo holds.

- Vessels that depart the CBP New Orleans Tri-Port, go beyond the territorial sea (three nautical miles out) to await orders, clean cargo holds or that have departed the United States for Customs purposes **must obtain a CBP clearance**. Vessels that do not have orders may obtain a CBP clearance under procedures outlined in 19 CFR 4.61(f).
- Vessels that depart the CBP New Orleans Tri-Port, go beyond the territorial sea (three miles out) to await orders or clean cargo holds, **and receive orders to proceed to another U.S. Seaport**, must file a CBP Diversion Report in the Vessel Entrance and Clearance System. Once approved, the vessel is authorized to proceed to the next U.S. seaport. Diversions are only permitted to another U.S. seaport.
- Vessels that depart the CBP New Orleans Tri-Port, go beyond the territorial sea (three miles out) to await orders or clean cargo holds, **and receive orders to proceed back to the New Orleans Tri-Port** should follow the procedures below:
 - The operator/agent will:
 - notify the CBP New Orleans Tri-Port that the vessel is returning to port, to facilitate the surrendering/cancelling of the clearance.
 - ensure a new eNOA is filed and a new arrival report is submitted in VECS.
 - after conducting vessel operations in the CBP New Orleans Tri-Port, the vessel will present a paper clearance in-person to any port within the Tri-Port.
 - Presently, a paper clearance must be filed in-person with the CBP New Orleans Tri-Port, as VECS does not allow for a clearance cancellation.

- **The vessel is not required to enter with CBP** *unless the vessel has on board foreign merchandise for which entry has not been made, the vessel has visited a hovering vessel, or the vessel has delivered or received merchandise or passengers while outside the territorial sea. Reference 19 CFR 4.3(a)*
- **Although the vessel is not required to submit entrance, the vessel is subject to the payment of tonnage taxes at the rate of 2 cents per net ton**, not to exceed the aggregate 10 cents per net ton in any one year, **Reference: 19 CFR 4.20(a)** (“... a regular tonnage tax ... shall be imposed at each entry ... on all vessels (except vessels of the U.S., recreational vessels, and barges, as defined in §2101 of Title 46) that depart a U.S. port or place and return to the same port or place without being entered in the United States from another port or place ...”)
- Mississippi River Southwest Pass (SWP) Anchorage:
 - Since the Mississippi River Southwest Pass (SWP) Anchorage is *predominately* located within three (3) nautical miles, or inside the territorial sea, vessel movements from Mississippi River docks/anchorage to the SWP Anchorage will be considered within port movements (no clearance required). If the vessel departs or goes beyond the SWP Anchorage a CBP clearance is required.
 - If a vessel returns to a Mississippi River dock/anchorage from the SWP Anchorage (within port movement) the vessel is not subject to the payment of tonnage taxes.
 - If the vessel agent changes, and the VECS Clearance filing has not been submitted, the new agent can file the clearance in VECS from the original filing.
 - If the vessel agent changes, and the VECS Clearance filing has been submitted, the new agent will need to submit a clearance only lade order (CBP Form 3171) by email and present a paper clearance in-person to any port within the Tri-Port.

Please contact Port Director James Welch at 225-268-9454 or at JAMES.J.WELCH@cbp.dhs.gov with questions or concerns.

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 Port of New Orleans
 U.S. Customs and Border Protection