

§4.92

19 CFR Ch. I (4-1-01 Edition)

is transporting residue cargo for domestic or foreign ports or is on an outward foreign voyage or a voyage to noncontiguous territory of the United States, and is following the procedure prescribed in §§4.85, 4.87, or 4.88. When inward foreign cargo or passengers are so transhipped to another vessel, a separate traveling manifest (Cargo Declaration, Customs Form 1302, or Passenger List, Customs and Immigration Form I-418) shall be used for the transhipped cargo or passengers, whether or not the forwarding vessel is also carrying other residue cargo or passengers. An appropriate cross-reference shall be made on the separate traveling manifest to show whether any other traveling manifest is being carried forward on the same vessel.

[T.D. 71-169, 36 FR 12605, July 2, 1971, as amended by T.D. 77-255, 42 FR 56324, Oct. 25, 1977; T.D. 93-96, 58 FR 67317, Dec. 21, 1993; T.D. 00-22, 65 FR 16517, Mar. 29, 2000]

§4.92 Towing.

No vessel other than a vessel documented for the coastwise or Great Lakes trade, or which would be entitled to be so documented except for its tonnage (see §4.80), may tow a vessel other than a vessel in distress between points in the U.S. embraced within the coastwise laws, or for any part of such towing (46 U.S.C. App. 316(a)). The penalties for violation of this prohibition are a fine of from \$250 to \$1000 against the owner or master of the towing vessel and a further penalty against the towing vessel of \$50 per ton of the towed vessel.

[T.D. 93-12, 58 FR 13197, Mar. 10, 1993]

§4.93 Coastwise transportation by certain vessels of empty vans, tanks, and barges, equipment for use with vans and tanks; empty instruments of international traffic; stevedoring equipment and material; procedures.

(a) Vessels of the United States prohibited from engaging in the coastwise trade and vessels of nations found to grant reciprocal privileges to vessels of the United States may transport the following articles between points embraced within the coastwise laws of the United States:

(1) Empty cargo vans, empty lift vans, and empty shipping tanks; equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and equipment, excluding propulsion equipment, for use with such barges; and empty instruments of international traffic exempted from application of the Customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)), if such articles are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling his cargo in foreign trade.

(2) Stevedoring equipment and material, if such equipment and material is owned or leased by the owner or operator of the transporting vessel, or is owned or leased by the stevedoring company contracting for the lading or unloading of that vessel, and is transported without charge for use in the handling of cargo in foreign trade.¹²⁵

¹²⁵ * * * * * *Provided further*, That upon such terms and conditions as the Secretary of the Treasury by regulation may prescribe, and, if the transporting vessel is of foreign registry, upon a finding by the Secretary of the Treasury, pursuant to information obtained and furnished by the Secretary of State, that the government of the nation of registry extends reciprocal privileges to vessels of the United States, this section shall not apply to the transportation by vessels of the United States not qualified to engage in the coastwise trade, or by vessels of foreign registry, of (a) empty cargo vans, empty lift vans, and empty shipping tanks, (b) equipment for use with cargo vans, lift vans, or shipping tanks, (c) empty barges specifically designed for carriage aboard a vessel, and (d) any empty instrument for international traffic exempted from application of the customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)), if the articles described in clauses (a) through (d) are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling his cargo in foreign trade; and (e) stevedoring equipment and material, if such equipment and material is owned or leased by the owner or operator of the transported vessel, or is owned or leased by the stevedoring company contracting for the lading or unloading of that vessel, and is transported without charge for use in the handling of cargo in foreign trade.' (46 U.S.C. 883).

United States Customs Service, Treasury

§ 4.93

(b)(1) The following nations have been found to extend privileges reciprocal to those provided in paragraph (a) of this section for empty cargo vans, empty lift vans, and empty shipping tanks to vessels of the United States:

Antigua and Barbuda.
Australia.
Austria.
Bahamas, The.
Bahrain
Belgium.
Bermuda.
Brazil.
Canada.
Chile.
China*.
Colombia.
Cyprus.
Denmark.
Ecuador.
Finland.
France.
Guatemala.
Germany, Federal Republic of.
Greece.
Iceland.
India.
Iran.
Ireland.
Israel.
Italy.
Ivory Coast.
Japan.
Kuwait.
Liberia.
Luxembourg.
Malta.
Marshall Islands, Republic of the.
Mexico.
Netherlands.
Netherlands Antilles.
Norway.
Pakistan.
Philippines.
Polish People's Republic.
Portugal.
Republic of Korea.
Republic of Panama.
Republic of Singapore.
Republic of Zaire.
St. Vincent and the Grenadines.
Saudi Arabia.
South Africa.
Spain.
Sweden.
Taiwan.
Union of Soviet Socialist Republics.
United Arab Emirates.
United Kingdom (including The Cayman Islands and Hong Kong).
Vanuatu, Republic of.
Yugoslavia, Socialist Federal Republic of.

*See also Taiwan.

(2) The following nations have been found to extend similar reciprocal privileges in respect to the other articles mentioned in paragraph (a) of this section:

Antigua and Barbuda.
Australia.
Austria.
Bahamas, The.
Bahrain
Belgium.
Bermuda.
Brazil.
Chile.
Colombia.
Denmark.
Federal Republic of Germany.
Finland.
France.
Greece.
Guatemala.
Iceland.
India.
Ireland.
Israel.
Italy.
Ivory Coast.
Kuwait.
Liberia.
Luxembourg.
Malta.
Mexico.
Netherlands.
Netherlands Antilles.
Norway.
Polish People's Republic.
Portugal.
Republic of Korea.
Republic of Panama.
Republic of Singapore.
Republic of Zaire.
St. Vincent and the Grenadines.
South Africa.
Spain.
Sweden.
Taiwan.
Union of Soviet Socialist Republics.
United Arab Emirates.
United Kingdom (including The Cayman Islands and Hong Kong).
Vanuatu, Republic of.

(c) Any Cargo Declaration, Customs Form 1302, required to be filed under this part by any foreign vessel shall describe any article mentioned in paragraph (a) of this section laden aboard and transported from one United States port to another, giving its identifying number or symbol, if any, or such other identifying data as may be appropriate, the names of the shipper and consignee, and the destination.

126-130 [Reserved]

§4.94

19 CFR Ch. I (4-1-01 Edition)

The Cargo Declaration shall also include a statement (1) that the articles specified in paragraph (a)(1) of this section are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling his cargo in foreign trade; or (2) that the stevedoring equipment and material specified in paragraph (a)(2) of this section is owned or leased by the owner or operator of the transporting vessel, or is owned or leased by the stevedoring company contracting for the lading or unlading of that vessel, and is transported without charge for his use in handling his cargo in foreign trade. If the director of the port of lading is satisfied that there will be sufficient control over the coastwise transportation of the article without identifying it by number or symbol or such other identifying data on the Cargo Declaration, he may permit the use of a Cargo Declaration that does not include such information provided the Cargo Declaration includes a statement, that the director of the port of unlading will be presented with a statement at the time of entry of the vessel that will list the identifying number or symbol or other appropriate identifying data for the article to be unladen at that port. Applicable penalties under section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), shall be assessed for violation of this paragraph.

[T.D. 68-302, 33 FR 18436, Dec. 12, 1968]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §4.93, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

GENERAL

§4.94 Yacht privileges and obligations.

(a) Any documented vessel with a pleasure license endorsement, as well as any undocumented American pleasure vessel, shall be used exclusively for pleasure and shall not transport merchandise nor carry passengers for pay. Such a vessel which is not engaged in any trade nor in any way violating the Customs or navigation laws of the U.S. may proceed from port to port in the U.S. or to foreign ports without clearing and is not subject to entry upon its arrival in a port of the U.S., provided it

has not visited a hovering vessel, received merchandise while in the customs waters beyond the territorial sea, or received merchandise while on the high seas. Such a vessel shall immediately report arrival to Customs when arriving in any port or place within the U.S., including the U.S. Virgin Islands, from a foreign port or place.

(b) A cruising license may be issued to a yacht of a foreign country only if it has been made to appear to the satisfaction of the Secretary of the Treasury that yachts of the United States are allowed to arrive at and depart from ports in such foreign country and to cruise in the waters of such ports without entering or clearing at the customhouse thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage, taxes, or charges for cruising licenses. It has been made to appear to the satisfaction of the Secretary of the Treasury that yachts of the United States are granted such privileges in the following countries:

Argentina.
Australia.
Austria.
Bahama Islands.
Belgium.
Bermuda.
Canada.
Denmark.
Finland.
France.
Germany, Federal Republic of.
Great Britain (including Turks and Caicos Islands; St. Vincent (including the territorial waters of the Northern Grenadine Islands), the Cayman Islands, the St. Christopher - Nevis - Anguilla Islands and the British Virgin Islands).
Greece.
Honduras.
Ireland.
Italy.
Jamaica.
Liberia.
Netherlands.
New Zealand.
Norway.
Sweden.
Switzerland.
Turkey.

(c) In order to obtain a cruising license for a yacht of any country listed in paragraph (b) of this section, there shall be filed with the port director an application therefor executed by either the yacht owner or the master which