(f) For the purpose of computing tonnage tax, the net tonnage of a vessel stated in the vessel’s marine document shall be accepted unless (1) such statement is manifestly wrong, in which case the net tonnage shall be estimated, pending admeasurement of the vessel, or the tonnage reported for her by any recognized classification society may be accepted, or (2) an appendix is attached to the marine document showing a net tonnage ascertained under the so-called “British rules” or the rules of any foreign country which have been accepted as substantially in accord with the rules of the United States, in which case the tonnage so shown may be accepted and the date the appendix was issued shall be noted on the tonnage tax certificate, Customs Form 1002, and on the Vessel Entrance or Clearance Statement, Customs Form 1300. For the purpose of computing tonnage tax on a vessel with a tonnage mark and dual tonnages, the higher of the net tonnages stated in the vessel’s marine document or tonnage certificate shall be used unless the Customs officer concerned is satisfied by report of the boarding officer, statement or certificate of the master, or otherwise that the tonnage mark was not submerged at the time of arrival. Whether the vessel has a tonnage mark, and if so, whether the mark was submerged on arrival, shall be noted on Customs Form 1300 by the boarding officer.

(g) The decision of the Commissioner of Customs is the final administrative decision on any question of interpretation relating to the collection of tonnage tax or to the refund of such tax when collected erroneously or illegally, and any question of doubt shall be referred to him for instructions.

(h) Any person adversely affected by a decision of the Commissioner of Customs relating to the collection of tonnage tax, or to the refund of such tax when collected erroneously or illegally, may appeal the decision in the Court of International Trade provided that the appeal action is commenced in accordance with the rules of the Court within 2 years after the cause of action first accrues.

§ 4.21 Exemptions from tonnage taxes.

(a) Tonnage taxes and light money shall be suspended in whole or in part whenever the President by proclamation shall so direct.

(b) The following vessels, or vessels arriving in the circumstances as defined below, shall be exempt from tonnage tax and light money:

1. It comes into port for bunkers (including water), sea stores, or ship’s stores; transacts no other business in the port; and departs within 24 hours after its arrival.

2. It arrives in distress, even though required to enter.

3. It is brought into port by orders of United States naval authorities and transacts no business while in port other than the taking on of bunkers, sea stores, or ship’s stores.

4. It is a vessel of war or other vessel which is owned by, or under the complete control and management of the United States or the government of a foreign country, and which is not carrying passengers or merchandise in trade or, if in ballast, which is not arriving from a foreign port during the usual course of its employment as a vessel engaged in trade.

5. It is a yacht or other pleasure vessel not carrying passengers or merchandise in trade.

6. It is engaged exclusively in scientific activities.

7. It is engaged exclusively in laying or repairing cables.

8. It is engaged in whaling or other fisheries, even though it may have entered a foreign port for fuel or supplies, if it did not carry passengers or merchandise in trade.

9. It is a passenger vessel making three trips or more a week between a
(10) It is used exclusively as a ferry boat, including a car ferry.

(11) It is a tug with a Great Lakes license endorsement on its vessel document, when towing vessels which are required to make entry.

(12) It is a documented vessel with a Great Lakes license endorsement which has touched at an intermediate foreign port or ports during a coastwise voyage.

(13) It enters otherwise than by sea from a foreign port at which tonnage or lighthouse duties or equivalent taxes are not imposed on vessels of the United States (applicable only where the vessel arrives from a port in the province of Ontario, Canada).

(14) It is a coastwise-qualified vessel solely engaged in the coastwise trade (although arriving from a foreign port or place, it is engaged in the transportation of merchandise or passengers, or the towing of a vessel other than a vessel in distress, between points in the U.S. via a foreign point) (see §§ 4.80, 4.80a, 4.80b, and 4.92).

(15) It is a vessel entering directly from the Virgin Islands (U.S.), American Samoa, the islands of Guam, Wake, Midway, Canton, or Kingman Reef, or Guantamaboy Naval Station.

(16) It is a vessel making regular daily trips between any port of the United States and any port in Canada wholly upon interior waters not navigable to the ocean, except that such a vessel shall pay tonnage taxes upon her first arrival in each calendar year.

(17) It is a vessel arriving at a port in the United States which, while proceeding between ports in the United States, touched at a foreign port under circumstances which would have exempted it from making entry under section 411(4), Tariff Act of 1930, as amended (19 U.S.C. 1411(4)), had it touched at a United States port.

§ 4.22 Exemptions from special tonnage taxes.

Vessels of the following nations are exempted by treaties, Presidential proclamations, or orders of the Secretary of the Treasury from the payment of any higher tonnage duties than are applicable to vessels of the United States and are exempted from the payment of light money:

Algeria
Antigua and Barbuda
Arab Republic of Egypt
Argentina
Australia
Austria
Bahamas, The
Bahrain
Bangladesh
Barbados
Belgium
Belize
Bermuda
Bolivia
Brazil
Bulgaria
Burma
Canada
Chile
Colombia
Costa Rica
Cuba
Cyprus
Czechoslovakia
Denmark (including the Faeroe Islands)
Dominica
Dominican Republic
Ecuador
El Salvador
Estonia
Ethiopia
Fiji
Finland
France
Gambia, The
German Democratic Republic
German Federal Republic
Ghana
Great Britain (including the Cayman Islands)
Greece
Greenland
Guatemala
Guinea, Republic of
Guyana
Haiti
Honduras
Hong Kong
Hungarian People’s Republic
Iceland
India
Indonesia
Iran
Iraq
Ireland (Eire)
Israel
Italy
Ivory Coast, Republic of
Jamaica
Japan
Kenya
Korea
Kuwait
Latvia
Lebanon
Liberia
Libya
Lithuania
Luxembourg
Malaysia
Malta
Marshall Islands, Republic of
Mauritius
Mexico
Monaco
Morocco
Nauru, Republic of
Netherlands
Netherlands Antilles
New Zealand
Nicaragua
Nigeria
Norway
Oman
Pakistan
Panama
Papua New Guinea
Paraguay
People’s Republic of China
Peru
Philippines
Poland
Portugal
Qatar
Rumania
Saudi Arabia
Senegal
Singapore, Republic of

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