the port director shall constitute a permit to proceed coastwise, and shall authorize the vessel to proceed to the new destination. On arrival at the new destination, the master shall immediately report arrival. He shall also make entry within 48 hours by presenting (1) the vessel’s document, (2) the foreign clearance on Form 1300 granted by the director of the port of departure, (3) a certificate that when the vessel was cleared from the last previous port in the United States there were on board cargo and/or passengers for the ports named in the foreign clearance certificate only and that additional cargo or passengers (have) (have not) been taken on board or discharged since such clearance was granted (specifying the particulars if any passengers or cargo were taken on board or discharged), (4) a Crew’s Effects Declaration in duplicate of all unentered articles acquired abroad by the officers and crew of the vessel which are still retained on board, and (5) a Ship’s Stores Declaration in duplicate of the stores on board.

(c) In a case of necessity, a port director may grant an application on Customs Form 3171 of the owner or agent of an established line for permission to transship all cargo and passengers from one vessel of the United States to another such vessel under Customs supervision, if the first vessel 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 transshipped 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 transshipped 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.


§ 4.92 Towing.

No vessel other than a vessel documented for the coastwise 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 provision are a fine of from $350 to $1100 against the owner or master of the towing vessel and a further penalty against the towing vessel of $60 per ton of the towed vessel (46 U.S.C. App. 316(a), as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990).


§ 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
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 unlading of that vessel, and is transported without charge for use in the handling of cargo in foreign trade.**

<table>
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<tr>
<th>Country</th>
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<tr>
<td>Antigua and Barbuda</td>
<td>Brazil</td>
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<tr>
<td>Australia</td>
<td>Canada</td>
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<tr>
<td>Austria</td>
<td>Chile</td>
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<td>Bahamas, The</td>
<td>China*</td>
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<td>Bahrain</td>
<td>Colombia</td>
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<td>Belgium</td>
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<td>Bermuda</td>
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<td>Hong Kong)</td>
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<td>Germany</td>
<td>Vanuatu, Republic of</td>
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<td>Germany</td>
<td>*See also Taiwan</td>
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</table>

**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 unlading of that vessel, and is transported without charge for use in the handling of cargo in foreign trade.**

(c) Any Cargo Declaration, Customs Form 1302, required to be filed under
this part by any foreign vessel shall de-
scribe any article mentioned in para-
graph (a) of this section laden aboard
and transported from one United
States port to another, giving its iden-
tifying number or symbol, if any, or
such other identifying data as may be
appropriate, the names of the shipper
and consignee, and the destination.
The Cargo Declaration shall also in-
clude a statement (1) that the articles
specified in paragraph (a)(1) of this sec-
tion are owned or leased by the owner
or operator of the transporting vessel
and are transported for his use in hand-
ing 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
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 transpor-
tation of the article without identi-
fying 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 in-
clude such information provided the
Cargo Declaration includes a state-
ment, that the director of the port of
unlading will be presented with a state-
ment at the time of entry of the vessel
that will list the identifying number or
symbol or other appropriate identi-
fying 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 as-
signed for violation of this paragraph.


EDITORIAL NOTE: For FEDERAL REGISTER ci-
tations affecting § 4.93, see the List of CFR
Sections Affected, which appears in the
Finding Aids section of the printed volume
and at www.fdsys.gov.

GENERAL

§ 4.94 Yacht privileges and obligations.

(a) Any documented vessel with a
pleasure license endorsement, as well
as any undocumented American pleas-
ure vessel, shall be used exclusively for
pleasure and shall not transport mer-
chandise 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 clear-
ing and is not subject to entry upon its
arrival in a port of the U.S., provided it
has not visited a hovering vessel, re-
ceived merchandise while in the cus-
toms waters beyond the territorial sea,
or received merchandise while on the
high seas. Such a vessel shall imme-
diately 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 satis-
faction of the Secretary of the Treas-
ury 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 satis-
faction of the Secretary of the Treas-
ury that yachts of the United States
are granted such privileges in the fol-
lowing countries:

Argentina
Australia
Austria
Bahama Islands
Belgium
Bermuda
Canada
Denmark
Finland
France
Germany, Federal
Republic of
Greece
Honduras
Ireland
Italy
Jamaica
Liberia
Marshall Islands
Netherlands
New Zealand
Norway
Saint Kitts and Nevis
Saint Vincent and
the Grenadines
Sweden
Switzerland
Turkey
United Kingdom and
the Dependencies:
the Anguilla
Islands, the Isle of
Man, the British
Virgin Islands, the
Cayman Islands,
and the Turks and
Caicos Islands

(c) In order to obtain a cruising li-
cense 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