

and not having visited any hovering vessel (see 19 U.S.C. 1709(d)).

(2) Any documented vessel with a Great Lakes license endorsement which during a voyage on the Great Lakes will touch at a foreign port only for taking on bunker fuel. (see § 4.82).

(3) A vessel exempted from entry by section 441, Tariff Act of 1930. (See § 4.5.)

(4) A vessel of less than 5 net tons which departs from the United States to proceed to a contiguous country otherwise than by sea.

(c) Vessels which will merely transit the Panama Canal without transacting any business there shall not be required to be cleared because of such transit.

(d) In the event that departure is delayed beyond the second day after clearance, the delay shall be reported within 72 hours after clearance to the port director who shall note the fact of detention on the certificate of clearance and on the official record of clearance. When the proposed voyage is canceled after clearance, the reason therefor shall be reported in writing within 24 hours after such cancellation and the certificate of clearance and related papers shall be surrendered.

(e) No vessel shall be cleared for the high seas *except*, a vessel bound to another vessel on the high seas to—

(1) Transship export merchandise which it has transported from the U.S. to the vessel on the high seas; or

(2) Receive import merchandise from the vessel on the high seas and transport the merchandise to the U.S.

[28 FR 14596, Dec. 31, 1963, as amended by T.D. 79-276, 44 FR 61956, Oct. 29, 1979; T.D. 83-214, 48 FR 46512, Oct. 13, 1983; T.D. 85-91, 50 FR 21429, May 24, 1985; T.D. 94-24, 59 FR 13200, Mar. 21, 1994; T.D. 95-77, 60 FR 50010, Sept. 27, 1995]

#### § 4.61 Requirements for clearance.

(a) Application for clearance for a vessel intending to depart for a foreign port shall be made by filing the oath, Customs Form 1300, and a General Declaration, Customs Form 1301, by or on behalf of the master at the customhouse. The master, licensed deck officer, or purser may appear in person to clear the vessel, or the required oaths, related documents, and other papers

properly executed by the master or other proper officer may be delivered at the customhouse by the vessel agent or other personal representative of the master. Clearance shall be granted on Customs Form 1378.

(b) Before clearance is granted to a vessel bound to a foreign port, the port director shall verify compliance with the requirements in respect of the following matters which are more fully stated in the provisions of law or of these regulations indicated in the list:

(1) Accounting for inward cargo (§ 4.62).

(2) Outward Cargo Declarations; shippers export declarations (§ 4.63).

(3) Documentation (§ 4.64).

(4) Verification of nationality and tonnage (§ 4.65).

(5) Verification of inspection (§ 4.66).

(6) Inspection under State laws (46 U.S.C. App. 97).

(7) Closed ports or places (§ 4.67).

(8) Crew; passengers (§ 4.68).

(9) Shipping articles and enforcement of Seamen's Act (§ 4.69).

(10) Medicine and slop chests.

(11) Load line regulations (§ 4.65a).

(12) Carriage of United States securities, etc.<sup>97</sup>

(13) Carriage of mail.

(14) Pratique (§ 4.70).

(15) Inspection of vessels carrying livestock (§ 4.71).

(16) Inspection of meat, meat-food products, and inedible fats (§ 4.72).

(17) Tobacco seed and plants.<sup>99</sup>

<sup>97</sup>"All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States or any department thereof, or any minister, consul, vice consul, or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business." (46 U.S.C. 98)

<sup>98</sup>[Reserved]

<sup>99</sup>"It shall be unlawful to export any tobacco seed and/or live tobacco plants from the United States or any Territory subject

(18) Neutrality exportation of arms and munitions (§4.73).

(19) Payment of State and Federal fees and fees due the Government of the Virgin Islands of the United States (46 U.S.C. App. 100).

(20) Orders restricting shipping (§4.74).

(21) Estimated duties deposited or a bond given to cover duties on foreign repairs and equipment for vessels of the United States (Sec. 4.14).

(22) Illegal discharge of oil (§4.66a).

(23) Attached or arrested vessel.<sup>100a</sup>

(24) Immigration laws.<sup>100b</sup>

(c) A new vessel built in the United States for foreign account shall be cleared under a certificate of record, Coast-Guard Form 1316, in lieu of a marine document.

(d) Clearance shall not be granted to any foreign vessel using the flag of the United States or any distinctive signs or markings indicating that the vessel is an American vessel.<sup>101</sup>

[28 FR 14696, Dec. 31, 1963, as amended by T.D. 68-217, 33 FR 12308, Aug. 31, 1968; T.D. 69-210, 34 FR 14733, Sept. 24, 1969; T.D. 70-213, 35 FR 15637, Oct. 6, 1970; T.D. 71-169, 36 FR 12603, July 2, 1971; T.D. 73-250, 38 FR 24354, Sept. 7, 1973; T.D. 75-133, 40 FR 24518, June 9, 1975; T.D. 77-255, 42 FR 56321, Oct. 25, 1977; T.D. 82-145, 47 FR 35475, Aug. 16, 1982; T.D. 95-77, 60 FR 50010, Sept. 27, 1995]

to the jurisdiction thereof, to any foreign country, port, or place, unless such exportation and/or transportation is in pursuance of a written permit granted by the Secretary of Agriculture. Such permit shall be granted by the Secretary only upon application therefor and after proof satisfactory to him that such seed or plants are to be used for experimental purposes only." (7 U.S.C. 516)

<sup>100</sup> [Reserved]

<sup>100a</sup> See Federal Rules of Civil Procedure, Supplemental Rule (Admiralty and Maritime) E(4)(b) (28 U.S.C. Appendix).

<sup>100b</sup> See 8 U.S.C. 1221, 1223, 1227, 1253, 1281, 1283-1286, 1322, and 1323; 8 C.F.R. 280 (CRA 17-18-A).

<sup>101</sup> "It shall be unlawful for any vessel belonging to or operating under the jurisdiction of any foreign state to use the flag of the United States thereon, or to make use of any distinctive signs or markings, indicating that the same is an American vessel." (22 U.S.C. 454a)

<sup>102-103</sup> [Reserved]

#### § 4.62 Accounting for inward cargo.

Inward cargo discrepancies shall be accounted for and adjusted by correction of the Cargo Declaration Outward With Commercial Forms, Customs Form 1302-A, but the vessel may be cleared and the adjustment deferred if the discharging officer's report has not been received. (See §4.12.)

[T.D. 77-255, 42 FR 56322, Oct. 25, 1977, as amended by T.D. 84-193, 49 FR 35485, Sept. 10, 1984]

#### § 4.63 Outward cargo declaration; shippers' export declarations.

(a) No vessel shall be cleared directly for a foreign port, or for a foreign port by way of another domestic port or other domestic ports (see §4.87(b)), unless there has been filed with the appropriate Customs officer at the port from which clearance is being sought:

(1) A Cargo Declaration Outward With Commercial Forms, Customs Form 1302-A. Copies of bills of lading or equivalent commercial documents relating to all cargo encompassed by the manifest must be attached in such manner as to constitute one document, together with a properly executed Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300, and export declarations as are required by pertinent regulations of the Bureau of the Census, Department of Commerce; or

(2) An incomplete Cargo Declaration as provided for in §4.75.

(b) Except as hereafter stated, the number of the export declaration covering each shipment for which an authenticated export declaration is required shall be shown on the Cargo Declaration Outward With Commercial Forms, Customs Form 1302-A, in the marginal column headed "B/L No." If an export declaration is not required for a shipment, a notation shall be made on the Cargo Declaration Outward With Commercial Forms (Customs Form 1302-A) describing the basis for the exemption with a reference to the number of the section in the Census Regulations (see 15 CFR 30.39, 30.50 through 30.57) where the particular exemption is provided. If shipments are exempt on the basis of value and destination, the appearance of the value and destination on a bill of lading or