

#### §4.61

#### 19 CFR Ch. I (4–1–13 Edition)

from a port or place in the United States:

(1) All vessels departing for a foreign port or place;

(2) All foreign vessels departing for another port or place in the United States;

(3) All American vessels departing for another port or place in the United States that have foreign merchandise for which entry has not been made; and

(4) All vessels departing for points outside the territorial sea to visit a hovering vessel or to receive merchandise or passengers while outside the territorial sea, as well as foreign vessels delivering merchandise or passengers while outside the territorial sea.

(b) The following vessels are not required to clear:

(1) A documented vessel with a pleasure license endorsement or an undocumented American pleasure vessel (i.e., an undocumented vessel wholly owned by a United States citizen or citizens, whether or not it has a certificate of number issued by the State in which the vessel is principally used under 46 U.S.C. 1466–1467 and not engaged in trade nor violating the customs or navigation laws of the United States and not having visited any hovering vessel (see 19 U.S.C. 1709(d)).

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

(3) 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 will 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 must be reported within 72 hours after clearance to the port director who will 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 must be reported in writing within 24 hours after such cancellation and the certificate of clearance and related papers must be surrendered.

(e) No vessel will 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; T.D. 00–4, 65 FR 2873, Jan. 19, 2000; CBP Dec. 08–25, 73 FR 40725, July 16, 2008; CBP Dec. 10–33, 75 FR 69585, Nov. 15, 2010]

#### §4.61 Requirements for clearance.

(a) *Application for clearance.* A clearance application for a vessel intending to depart for a foreign port must be made by filing Customs Form 1300 (Vessel Entrance or Clearance Statement) executed by the vessel master or other proper officer. The master, licensed deck officer, or purser may appear in person to clear the vessel, or the properly executed Customs Form 1300 may be delivered to the customhouse by the vessel agent or other personal representative of the master. Necessary information may also be transmitted electronically pursuant to a system authorized by Customs. Clearance will be granted by Customs either on the Customs Form 1300 or by approved electronic means. Customs port directors may permit the clearance of vessels at locations other than the customhouse, and at times outside of normal business hours. Customs may take local resources into consideration in allowing clearance to be transacted on board vessels themselves or at other mutually convenient sites and times either within or outside of port limits. Customs must be satisfied that the place designated for clearance is sufficiently under Customs control at the time of clearance, and that the expenses incurred by Customs will be reimbursed as authorized. Customs may require that advance notice of vessel departure be given prior to granting requests for optional clearance locations.

(b) *When clearance required.* Under certain circumstances, American vessels departing from ports of the United

States directly for other United States ports must obtain Customs clearance. The clearance of such vessels is required when they have merchandise aboard which is being transported in-bond, or when they have unentered foreign merchandise aboard. For the purposes of the vessel clearance requirements, merchandise transported in-bond does not include bonded ship's stores or supplies. While American vessels transporting unentered foreign merchandise must fully comply with usual clearance procedures, American vessels carrying no unentered foreign merchandise but that have in-bond merchandise aboard may satisfy vessel clearance requirements by reporting intended departure within 72 hours prior thereto by any means of communication that is satisfactory to the local Customs port director, and by presenting a completed Customs Form 1300 (Vessel Entrance or Clearance Statement). Also, the Customs officer may require the production of any documents or papers deemed necessary for the proper inspection/examination of the vessel, cargo, passenger, or crew. Report of departure together with providing information to Customs as specified in this paragraph satisfies all clearance requirements for the subject vessels.

(c) *Verification of compliance.* Before clearance is granted to a vessel bound to a foreign port as provided in § 4.60 and this section, the port director will verify compliance with respect to the following matters:

- (1) Accounting for inward cargo (see § 4.62).
- (2) Outward Cargo Declarations; shipper's export declarations (see § 4.63).
- (3) Documentation (see § 4.0(c)).
- (4) Verification of nationality and tonnage (see § 4.65).
- (5) Verification of inspection (see § 4.66).
- (6) Inspection under State laws (46 U.S.C. App. 97).
- (7) Closed ports or places (see § 4.67).
- (8) Passengers (see § 4.68).
- (9) Shipping articles and enforcement of Seamen's Act (see § 4.69).
- (10) Medicine and slop chests.
- (11) Load line regulations (see § 4.65a).
- (12) Carriage of United States securities, etc. (46 U.S.C. App. 98).

- (13) Carriage of mail.
- (14) Public Health regulations (see § 4.70).
- (15) Inspection of vessels carrying livestock (see § 4.71).
- (16) Inspection of meat, meat-food products, and inedible fats (see § 4.72).
- (17) Neutrality exportation of arms and munitions (see § 4.73).
- (18) 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).
- (19) Orders restricting shipping (see § 4.74).
- (20) Estimated duties deposited or a bond given to cover duties on foreign repairs and equipment for vessels of the United States (see § 4.14).
- (21) Illegal discharge of oil (see § 4.66a).
- (22) Attached or arrested vessel.
- (23) Immigration laws.
- (24) Electronic receipt of required vessel cargo information (see § 192.14(c) of this chapter).
- (d) *Vessel built for foreign account.* A new vessel built in the United States for foreign account will be cleared under a certificate of record, Coast Guard Form 1316, in lieu of a marine document.
- (e) *Clearance not granted.* Clearance will 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 (22 U.S.C. 454a).
- (f) *Clearance in order of itinerary.* Unless otherwise provided in this section, every vessel bound for a foreign port or ports will be cleared for a definite port or ports in the order of its itinerary, but an application to clear for a port or place for orders, that is, for instructions to masters as to destination of the vessel, may be accepted if the vessel is in ballast or if any cargo on board is to be discharged in a port of the same country as the port for which clearance is sought.

[T.D. 00-4, 65 FR 2874, Jan. 19, 2000; T.D. 00-22, 65 FR 16515, Mar. 29, 2000; CBP Dec. 03-32, 68 FR 68169, Dec. 5, 2003]

#### § 4.62 Accounting for inward cargo.

Inward cargo discrepancies shall be accounted for and adjusted by correction of the Cargo Declaration Outward