

TITLE 46, APPENDIX—SHIPPING

This Appendix consists of sections of former Title 46 that are not included in Title 46, Shipping, as enacted by Pub. L. 98-89, subtitle B of title V of Pub. L. 99-509, section 6 of Pub. L. 100-424, and Pub. L. 100-710, and certain laws related to shipping that were enacted after Pub. L. 98-89. Sections from former Title 46 retain the same section numbers in this Appendix. For disposition of all sections of former Title 46, see Table at beginning of Title 46, Shipping.

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CROSS REFERENCES

See, also, Title 33, Navigation and Navigable Waters.
Arbitration of controversies arising out of maritime transactions, see Title 9, Arbitration.

APPENDIX REFERRED TO IN OTHER SECTIONS

This appendix is referred to in title 42 section 9607.

CHAPTER 1—ADMINISTRATION OF SHIPPING LAWS

Sec.	
3.	Measurement and numbering; tonnage tax.
9.	Delegation of classification functions. (a), (b) Repealed. (c) Report on delegation of classification functions. (d) Repealed.

WAIVER OF COMPLIANCE WITH NAVIGATION AND INSPECTION LAWS; TERMINATION DATE

Act Dec. 27, 1950, ch. 1155, §§1, 2, 64 Stat. 1120, provided that: "The head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. The head of such department or agency is authorized to waive compliance with such laws to such extent and in such manner and upon such terms as he may prescribe, either upon his own initiative or upon the written recommendation of the head of any other Government agency, whenever he deems that such action is necessary in the interest of national defense.

"SEC. 2. The authority granted by this Act shall terminate at such time as the Congress by concurrent resolution or the President may designate."

Similar provisions were contained in acts Mar. 31, 1947, ch. 27, 61 Stat. 33; July 31, 1947, ch. 408, 61 Stat. 685; Feb. 27, 1948, ch. 78, §2, 62 Stat. 38; Feb. 28, 1949, ch. 12, 63 Stat. 9; June 29, 1949, ch. 281, §1, 63 Stat. 349; June 30, 1950, ch. 427, §4, 64 Stat. 309.

TRANSFER OF FUNCTIONS RELATING TO SHIPPING AND NAVIGATION

Bureau of Navigation created by act July 5, 1884. Act June 30, 1932, consolidated Bureau of Navigation with Steamboat Inspection Service to form a new bureau to be known as Bureau of Navigation and Steamboat Inspection, which name was changed to Bureau of Marine Inspection and Navigation by act May 27, 1936. Director of the Bureau of Marine Inspection and Navigation was designation given to chief of bureau by Secretary of Commerce under act June 30, 1932, §502(b). Bureau and office of its Director abolished by Reorg. Plan No. 3 of 1946, §104, set out below.

Reorg. Plan No. 3 of 1946, §§101 to 104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, provided:

"SECTION 101. FUNCTIONS TRANSFERRED TO THE UNITED STATES COAST GUARD.—(a) There are hereby transferred to the Commandant of the Coast Guard those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and of the Sec-

retary of Commerce, which pertain to approval of plans for the construction, repair, and alteration of vessels; approval of materials, equipment, and appliances; classification of vessels; inspection of vessels and their equipment and appliances; issuance of certificates of inspection, and of permits indicating the approval of vessels for operations which may be hazardous to life or property; administration of load line requirements; enforcement of other provisions for the safety of life and property on vessels; licensing and certificating of officers, pilots, and seamen; suspension and revocation of licenses and certificates; investigation of marine casualties; enforcement of manning requirements, citizenship requirements, and requirements for the mustering and drilling of crews, control of logbooks; shipment, discharge, protection, and welfare of merchant seamen; enforcement of duties of shipowners and officers after accidents; promulgation and enforcement of rules for lights, signals, speed, steering, sailing, passing, anchorage, movement, and towlines of vessels and lights and signals on bridges; numbering of undocumented vessels; prescription and enforcement of regulations for outfitting and operation of motorboats; licensing of motorboat operators; regulation of regattas and marine parades; all other functions of such bureau, offices, and boards which are not specified in section 102 of this plan; and all other functions of the Secretary of Commerce pertaining to those functions of the agencies abolished under section 104 of this plan which are not specified in section 102 of this plan, including the remission and mitigation of fines, penalties, and forfeitures incurred under the laws governing these functions and those incurred under the act of December 17, 1941 (55 Stat. 808), as amended.

“(b) The functions relating to the award of numbers to undocumented vessels vested by law in the collectors of customs are hereby transferred to the Commandant of the Coast Guard.

“SEC. 102. FUNCTIONS TRANSFERRED TO BUREAU OF CUSTOMS.—There are hereby transferred to the Commissioner of Customs those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and of the Secretary of Commerce, which pertain to registry, enrollment, and licensing of vessels, including the issuance of commissions to yachts, the assignment of signal letters, and the preparation of all reports and publications in connection therewith; measurement of vessels, administration of tonnage duties, and collection of tolls; entry and clearance of vessels and aircraft, regulation of vessels in the coasting and fishing trades, and limitation of the use of foreign vessels in waters under the jurisdiction of the United States; recording of sales, conveyances, and mortgages of vessels; protection of steerage passengers; all other functions of such bureau, offices, and boards which were performed by the Bureau of Customs on behalf thereof immediately prior to the effective date of Executive Order No. 9083 of February 28, 1942 (7 F.R. 1609); and the power to remit and mitigate fines, penalties, and forfeitures incurred under the laws governing these functions.

“SEC. 103. POWERS OF THE SECRETARY OF THE TREASURY.—The functions transferred by sections 101 and 102 of this plan may be performed through such officers and employees of the United States Coast Guard and the Bureau of Customs, respectively, as may be designated by the Commandant of the Coast Guard and the Commissioner of Customs, respectively, and shall be performed subject to the direction and control of the Secretary of the Treasury except as otherwise required by law with respect to the United States Coast Guard whenever it operates as a part of the Navy.

“SEC. 104. ABOLITION OF AGENCIES.—The Bureau of Marine Inspection and Navigation, the office of the director thereof, the offices of supervising inspectors, principal traveling inspectors, local inspectors, assistant inspectors, shipping commissioners, deputy shipping commissioners, and the board of supervising inspectors, the boards of local inspectors, the marine casualty investigation board, and the marine boards are

hereby abolished. The Secretary of the Treasury shall provide for winding up those affairs of the said abolished agencies which are not otherwise disposed of herein.”

This Reorganization Plan continued on a permanent basis the temporary transfer of functions made during World War II by Ex. Ord. No. 9083, §§1 to 4, eff. Feb. 28, 1942, 7 F.R. 1609, formerly set out under section 601 of Title 50, Appendix, War and National Defense.

By Coast Guard General Order 2-46, July 16, 1946, 11 F.R. 7775, and Treas. Dept. Reg. 51491, July 16, 1946, 11 F.R. 7766, the Commandant of the Coast Guard and The Commissioner of Customs each provided that all orders, rules, regulations, permits or other privileges made, issued or granted in respect of all functions transferred to him by Reorg. Plan No. 3 of 1946, §§101-104, and in effect at the time of such transfer should continue in effect to the same extent as if such transfer had not occurred.

On the basis of 33 C.F.R. ch. I, and 46 C.F.R. ch. I, the Commandant of the Coast Guard appears to have assigned the functions transferred to him as follows:

<i>Functions formerly performed by:</i>	<i>Now assigned to:</i>
Bureau of Marine Inspection and Navigation and its Director	Commandant of the Coast Guard
Board of Supervising Inspectors	Commandant of the Coast Guard
Supervising Inspector	Coast Guard District Commander
Board of Local Inspectors	Officer in Charge, Marine Inspection
Inspectors and Assistant Inspectors	Marine Inspectors (or “inspectors”)

For investigation of Marine casualties and suspension and revocation of licenses and certificates, formerly performed by the Marine Casualty Investigation Board and Marine Boards, see note set out under section 239 of this title.

Memoranda of the Chief Counsel of the Coast Guard, July 7, 1947, Chief Counsel of the Bureau of Customs, July 14, 1947, and Chief Counsel of the Treasury, July 21, 1947, concurred in the view that the duties of collectors of customs were not affected by Reorg. Plan No. 3 of 1946, with the exception of those duties specified in section 101(b) of the Plan.

CERTAIN FUNCTIONS FORMERLY PERFORMED BY BUREAU OF CUSTOMS

The following is a statement relating to the transfer of certain functions from the Commissioner of Customs to the Commandant of the Coast Guard, appearing in 32 F.R. 7408, 7409, May 18, 1967:

On April 28, 1967, a memorandum of agreement was signed by the Commandant of the Coast Guard and the Commissioner of Customs which provided that—

1. Treasury Department Order No. 167-81 transferred from the Commissioner of Customs to the Commandant, U.S. Coast Guard, the functions pertaining to the admeasurement of vessels, the documentation of vessels, the publication of merchant vessel registers, the registration of stack insignia, and shoreside port security. Because of the transfer of the Coast Guard from the Treasury Department to the Department of Transportation and because of continuing efforts to reorganize and modernize the shipping laws of the United States now assembled in title 46, U.S. Code, with a view toward eventual codification, it is recognized that the laws and provisions of law that relate to the transferred functions should be identified.

2. It is therefore agreed that—

a. The following sections of the U.S. Code, 1964 edition, relate entirely to the transferred functions:

Title	Chapter	Sections
46	1	2 (nothing in this section is considered vital or necessary to the authority to perform the functions pertaining to entry and clearance of vessels, collection of tonnage tax, or enforcement of the coastwise laws generally).

Title	Chapter	Sections
	2	12, 14-41, 43-56, 58, 61-63, 71, 72, 74, 75, 77, 81-83k.
	3	103, 105, 109.
	6	151-157, 159, 160.
	11	227, 236-238.
	12	252-255, 258-260, 263-265, 267-272, 275, 276, 279, 334.
	13	351-353.
	15	496.
	25	921-927, 941, 981-984.
	26	1011-1014.

b. Parts of the following sections of the U.S. Code, 1964 edition, relate to the transferred functions as indicated:

Title	Chapter	Sections
46	1	3 (except as it relates to tonnage tax).
		4 (first two sentences).
	6	158 (second sentence).
	12	262 (second sentence).
	12	320 (as it relates to sections 45 and 77).
		321 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280).
		322 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280).
		323 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280).
		324 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280).
		326 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280).
		328 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280).
		331 (as it relates to measurement of tonnage, issuance or granting of certificates of registry, records or enrollments, recording of bills of sale, mortgages, hypothecations or conveyances, and the furnishing of certificates of title).
		333 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280).
		335 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280).
		336 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280).
	24	881 (the second proviso).
	25	911(1), (2), (3), and (5).

c. The following sections and parts of sections of the U.S. Code 1964 edition, relate to functions transferred and to functions retained by Customs:

Title	Chapter	Sections
19	3	261, 267.
	4	1451, 1524.
46	1	7, 4 (last sentence) 8.
	2	11, 13, 59, 60.
	6	158 (the second paragraph), 161, 162.
	11	221.
	12	251(a) (the first sentence), 266, 277, 278, 280, 292, 319, 325, 327, 332.
	14	404a.
	24	883 (the first and second provisos) 883a, 883b, 883-1.

d. The following sections of the U.S. Code, 1964 edition, relate to functions transferred and to functions administered under the Secretary of Commerce:

Title	Chapter	Sections
46	23	838, 840.
		911(4) (pending transfer to the Department of Transportation under the provisions of Reorganization Plan No. 1-67).
50	12	198(a).

e. The following sections of the U.S. Code, 1964 edition, relate to functions transferred, to functions retained by Customs, and to functions administered under the Secretary of Commerce.

Title	Chapter	Sections
46	23	801, 802, 803, 808.

3. The identification of statutes set forth above is for the information and guidance of the public. Nothing therein shall be deemed to have the effect of amending in any respect the provisions of Treasury Department Order No. 167-81 or the functions of any agency thereunder.

TRANSFER OF FUNCTIONS TO SECRETARY OF THE TREASURY

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Coast Guard and Commandant of Coast Guard excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

On July 31, 1950, Secretary of the Treasury issued Treasury Department Order No. 120 directing that officers, employees, and agencies of Department of the Treasury continue to perform functions they were authorized to perform prior to effective date of Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, and stipulating that authorized regulations and procedures in effect immediately prior to effective date of Plan continue in effect until changed by appropriate authority.

§ 3. Measurement and numbering; tonnage tax

The Commissioner of Customs shall be charged with the supervision of the laws relating to the admeasurement of vessels, and the assigning of signal letters thereto, and of designating their official number; and on all questions of interpretation growing out of the execution of the laws relating to these subjects, and relating to the collection of tonnage tax, and to the refund of such tax when collected erroneously or illegally, his decision shall be final.

(July 5, 1884, ch. 221, §3, 23 Stat. 119; June 30, 1932, ch. 314, §§501, 502(b), 47 Stat. 415; May 27, 1936, ch. 463, §1, 49 Stat. 1380; 1946 Reorg. Plan No. 3, §§101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Commissioner of Customs, referred to in text, is an officer of Department of the Treasury.

“Commissioner of Customs” substituted in text for “Director of the Bureau of Marine Inspection and Navigation” on authority of Reorg. Plan No. 3 of 1946, §§101-104, set out as a note preceding section 3 of this Appendix.

Previously, “Commissioner of Navigation” changed to “Director, Bureau of Navigation and Steamboat Inspection”, and then to “Director of the Bureau of Marine Inspection and Navigation” by acts June 30, 1932, and May 27, 1936. See note set out preceding section 3 of this Appendix.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of this Appendix.

CROSS REFERENCES

Measurement of vessels, see section 14101 et seq. of Title 46, Shipping.

§ 9. Delegation of classification functions

(a), (b) **Repealed. Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 600**

(c) **Report on delegation of classification functions**

The Secretary of the department in which the Coast Guard is operating shall report to the Congress on the implementation of subsections (a) and (b) of this section within 6 months of December 29, 1981, and annually thereafter for 3 years. Such report shall include the views of the affected industry on the implementation of those subsections.

(d) **Repealed. Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 600**

(July 5, 1884, ch. 221, § 8, as added Pub. L. 97-136, § 9, Dec. 29, 1981, 95 Stat. 1706; amended Pub. L. 97-322, title I, § 109, Oct. 15, 1982, 96 Stat. 1584; Pub. L. 98-89, § 4(b), Aug. 26, 1983, 97 Stat. 600.)

AMENDMENTS

1983—Subsecs. (a), (b), (d). Pub. L. 98-89 struck out subsecs. (a), (b), and (d). See section 3316 of Title 46, Shipping.

1982—Subsec. (d). Pub. L. 97-322 added subsec. (d).

CHAPTER 2—DOCUMENTATION, RECORDING, AND MEASUREMENT

SUBCHAPTER I—GENERAL PROVISIONS

Sec.	
14.	Wrecked vessels.
42.	Oath on entry as to ownership.
57.	Production of certificate on entry.
59.	Penalty for neglect by officers.

CROSS REFERENCES

Corporation meeting certain conditions deemed citizen for purposes of the laws relating to documentation of vessels, see section 883-1 of this Appendix.

SUBCHAPTER I—GENERAL PROVISIONS

§ 14. Wrecked vessels

The Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for any vessel wrecked on the coasts of the United States or her possessions or adjacent waters, when purchased by a citizen or citizens of the United States and thereupon repaired in a shipyard in the United States or her possessions, if it shall be proved to the satisfaction of the Secretary of Transportation, if he deems it necessary, through a board of three appraisers appointed by him, that the said repairs put upon such vessels¹ are equal to three times the appraised salved value of the vessel: *Provided*, That the expense of the appraisal provided for shall be borne by the owner of the vessel: *Provided further*, That if any of the material matters of fact sworn to or represented by the owner, or at his instance, to obtain the register of any vessel are not true, there shall be a forfeiture to the United States of the vessel in respect to which the oath shall have been made, together with tackle, apparel, and furniture thereof.

(R.S. § 4136; Feb. 24, 1915, ch. 57, 38 Stat. 812; Pub. L. 103-182, title VI, § 686(a)(4), Dec. 8, 1993, 107 Stat. 2220.)

¹ So in original. Probably should be "vessel".

CODIFICATION

R.S. § 4136 derived from acts Dec. 23, 1852, ch. 4, 10 Stat. 149; July 23, 1866, ch. 213, 14 Stat. 212.

R.S. § 4136 was repealed by act Feb. 22, 1906, ch. 500, 34 Stat. 17, and was reenacted and revised by act Feb. 24, 1915.

AMENDMENTS

1993—Pub. L. 103-182 substituted "The Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement" for "The Secretary of Commerce may issue a register or enrollment" and "Secretary of Transportation," for "Secretary of Commerce."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 sections 3703a, 12106, 12108.

§ 42. Oath on entry as to ownership

Upon the entry of every vessel of the United States from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owner shall make oath that the register of such vessel contains the name or names of all the persons who are then owners of the vessel; or if any part of such vessel has been sold or transferred since the granting of such register, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port at which such vessel enters, the master shall make oath to the like effect. If the owner, or part owner, where there is one, or the master, where there is no owner, refuses so to swear, such vessel shall not be entitled to the privileges of a vessel of the United States.

(R.S. § 4173.)

CODIFICATION

R.S. § 4173 derived from act Dec. 31, 1792, ch. 1, § 17, 1 Stat. 295.

§ 57. Production of certificate on entry

The master or other person having the command or charge of any vessel, recorded in pursuance of title 48 of the Revised Statutes, shall, on entry of such vessel, produce the certificate of such record to the collector of the district where she is so entered; and in default thereof the vessel shall not be entitled to the privileges of a recorded vessel.

(R.S. § 4184.)

REFERENCES IN TEXT

Title 48 of the Revised Statutes, referred to in text, was in the original "this Title", meaning title 48 of the Revised Statutes, consisting of R.S. §§ 4131 to 4305. For complete classification of R.S. §§ 4131 to 4305 to the Code, see Tables.

CODIFICATION

R.S. § 4184 derived from act Dec. 31, 1792, ch. 1, § 24, 1 Stat. 297.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in Bureau of Customs of Department of the Treas-

ury to which appointments were required to be made by President with advice and consent of Senate ordered abolished with such offices to be terminated not later than Dec. 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of offices eliminated were already vested in Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 59. Penalty for neglect by officers

If any person authorized and required by title 48 of the Revised Statutes to perform, as an officer, any act or thing, willfully neglects to do or perform the same according to the true intent and meaning of title 48 of the Revised Statutes, he shall, if not subject to the penalty and disqualification prescribed in section 4187 of the Revised Statutes, be punishable by a fine of \$500 for the first offense, and by a like fine for the second offense, and shall thenceforth be rendered incapable of holding any office of trust or profit under the United States.

(R.S. § 4188.)

REFERENCES IN TEXT

Title 48 of the Revised Statutes, referred to in text, was in the original "this Title", meaning title 48 of the Revised Statutes, consisting of R.S. §§ 4131 to 4305. For complete classification of R.S. §§ 4131 to 4305 to the Code, see Tables.

Section 4187 of the Revised Statutes, referred to in text, was classified to section 58 of former Title 46, Shipping, and was repealed by Pub. L. 96-594, title I, § 127, Dec. 24, 1980, 94 Stat. 3459.

CODIFICATION

R.S. § 4188 derived from act Dec. 31, 1792, ch. 1, § 26, 1 Stat. 298.

CHAPTER 3—CLEARANCE AND ENTRY

Sec.

91. Clearance; vessels.
 (a) When required; vessels of United States.
 (b) When required; other vessels.
 (c) Regulations.
97. State inspection laws.
98. Conveyance of bullion, coin, notes, or bonds for United States.
100. Payment of fees on vessels outward bound.
104. Reciprocal exemption of foreign yachts from charges and tonnage taxes; licenses.
111. Documented vessels with registry endorsement in trade with Canada.

CROSS REFERENCES

Provisions concerning custody and storage of vessels, vehicles, merchandise and baggage seized under laws relating to entry or clearance of vessels, see section 1605 of Title 19, Customs Duties.

§ 91. Clearance; vessels

(a) When required; vessels of United States

Except as otherwise provided by law, any vessel of the United States shall obtain clearance from the Customs Service before proceeding from a port or place in the United States—

(1) for a foreign port or place;

(2) for another port or place in the United States if the vessel has on board bonded merchandise or foreign merchandise for which entry has not been made; or

(3) outside the territorial sea to visit a hovering vessel or to receive merchandise while outside the territorial sea.

(b) When required; other vessels

Except as otherwise provided by law, any vessel that is not a vessel of the United States shall obtain clearance from the Customs Service before proceeding from a port or place in the United States—

(1) for a foreign port or place;

(2) for another port or place in the United States; or

(3) outside the territorial sea to visit a hovering vessel or to receive or deliver merchandise while outside the territorial sea.

(c) Regulations

The Secretary of the Treasury may by regulation—

(1) prescribe the manner in which clearance under this section is to be obtained, including the documents, data or information which shall be submitted or transmitted, pursuant to an authorized data interchange system, to obtain the clearance;

(2) permit the Customs Service to grant clearance for a vessel under this section before all requirements for clearance are complied with, but only if the owner or operator of the vessel files a bond in an amount set by the Secretary of the Treasury conditioned upon the compliance by the owner or operator with all specified requirements for clearance within a time period (not exceeding 4 business days) established by the Secretary of the Treasury; and

(3) authorize the Customs Service to permit clearance of any vessel to be obtained at a place other than a designated port of entry, under such conditions as he may prescribe.

(R.S. § 4197; Aug. 5, 1935, ch. 438, title II, § 209, 49 Stat. 526; June 16, 1938, ch. 476, § 1, 52 Stat. 758; Sept. 1, 1954, ch. 1213, title V, § 501(a), 68 Stat. 1140; Pub. L. 103-182, title VI, § 686(b), Dec. 8, 1993, 107 Stat. 2221.)

CODIFICATION

R.S. § 4197 derived from act Mar. 2, 1799, ch. 22, § 93, 1 Stat. 698.

AMENDMENTS

1993—Pub. L. 103-182 amended section generally, substituting present provisions for provisions which directed master of any vessel bound to a foreign port to deliver to district collector a manifest of all cargo on board, subject to financial penalties for delivery of false manifest and detainment of vessel until penalty is paid, but authorizing Secretary of Commerce, in interest of expediting commerce, to make regulations permitting master to file incomplete manifest and grant vessel clearance upon filing a bond and making assurance that a completed manifest will be filed not later than the fourth business day after clearance of the vessel, with financial penalties and possible suit resulting from failure to file completed manifest when due.

1954—Act Sept. 1, 1954, exempted undocumented pleasure vessels of the United States from clearance requirements.

1938—Act June 16, 1938, inserted proviso and all that follows.

1935—Act Aug. 5, 1935, substituted second sentence for "If any vessel bound to a foreign port departs on her voyage to such foreign port without delivering such

manifest and obtaining a clearance, as required, the master or other person having the charge or command of such vessel shall be liable to a penalty of \$500 for every such offense."

CONSTRUCTION WITH OTHER LAWS

Section 3 of act June 16, 1938, provided that the amendments to this section by section 1 of the act, should not affect any other existing law.

CROSS REFERENCES

Bond to deliver cargo at destination named in clearance and to prohibit its use in aiding or comforting persons in insurrection against United States, see section 225 of Title 50, War and National Defense.

Refusing clearance to vessels with suspected cargoes intended for port in possession or under control of insurgents against United States, see section 224 of Title 50.

Vessels arriving at ports of United States, manifest, requirement, form, and contents, see section 1431 et seq., of Title 19, Customs Duties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 817d, 817e, 876, 1710a of this Appendix; title 16 sections 1826a, 4711; title 18 section 965; title 19 sections 1431, 1436, 1441; title 33 sections 1232, 1321, 1517, 1904, 1908, 2072, 2236, 2605, 2716; title 42 section 9608; title 46 sections 2110, 3205, 3318, 3718, 5113; title 49 section 5122; title 50 App. section 13.

§ 97. State inspection laws

The collectors and other officers of the customs shall pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel having on board goods liable to inspection shall be cleared until the master, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States may require to be produced to collectors or other officers of the customs.

(R.S. § 4202.)

CODIFICATION

R.S. § 4202 derived from act Mar. 2, 1799, ch. 22, § 93, 1 Stat. 699.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in Bureau of Customs of Department of the Treasury to which appointments were required to be made by President with advice and consent of Senate ordered abolished with such offices to be terminated not later than Dec. 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of offices eliminated were already vested in Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 98. Conveyance of bullion, coin, notes, or bonds for United States

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 de-

partment 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.

(R.S. § 4204; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

CODIFICATION

R.S. § 4204 derived from act July 4, 1864, ch. 249, § 10, 13 Stat. 392.

Reference to "or commercial" before "or other agent" was omitted in view of the abolition of the grade of commercial agent by act Apr. 5, 1906.

§ 100. Payment of fees on vessels outward bound

Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted.

(R.S. § 4206.)

CODIFICATION

R.S. § 4206 derived from acts Mar. 3, 1797, ch. 9, § 5, 1 Stat. 503; Mar. 2, 1799, ch. 22, § 93, 1 Stat. 699.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in Bureau of Customs of Department of the Treasury to which appointments were required to be made by President with advice and consent of Senate ordered abolished with such offices to be terminated not later than Dec. 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of offices eliminated were already vested in Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

CROSS REFERENCES

Establishment and collection of fees for certain services to vessels, see section 2110 of Title 46, Shipping.

§ 104. Reciprocal exemption of foreign yachts from charges and tonnage taxes; licenses

Whenever it shall be made to appear to the satisfaction of the President of the United States that yachts used and employed exclusively as pleasure vessels and belonging to any resident of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port 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, the Commissioner of Customs may authorize and direct the customs authorities at the various ports of entry of the United States to allow yachts from such foreign port used and employed exclusively as pleasure vessels to arrive at and depart from any port of the United States and to cruise in waters of the United States without the pay-