[Page 65-66]

TITLE 19--CUSTOMS DUTIES

CHAPTER I--BUREAU OF CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF
HOMELAND SECURITY; DEPARTMENT OF THE TREASURY

PART 4_VESSELS IN FOREIGN AND DOMESTIC TRADES--Table of Contents

Sec. 4.91  Diversion of vessel; transshipment of cargo.

   (a) If any vessel granted a permit to proceed from one port in the
United States for another such port as provided for in Sec. Sec.
4.81(e), 4.85, 4.87, or 4.88, is, while en route, diverted to a port in
the United States other than the one specified in the permit to proceed
(Customs Form 1300), \122\ the owner or agent of the vessel immediately
shall give notice of the diversion to the port director who granted the
permit, informing him of the new destination of the vessel and
requesting him to notify the director of the latter port. Such
notification by the port director shall constitute an amendment of the
permit previously granted, shall authorize the vessel to proceed to the
new destination, and shall be filed by the director

[[Page 66]]

of the latter port with the Form 1300 submitted on entry of the vessel.
---------------------------------------------------------------------------

   \122\ See Sec. 4.33.
---------------------------------------------------------------------------

   (b) If any vessel cleared from a port in the United States for a
foreign port as provided for in Sec. 4.60 is diverted, while en route,
to a port in the United States other than that from which it was
cleared, the owner or agent of the vessel immediately shall give notice
of the diversion to the port director who granted the clearance,
informing him of the new destination of the vessel and requesting him to
notify the director of the latter port. Such notification by 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 \123\ 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 Sec. Sec. 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.

---------------------------------------------------------------------------

\123\ See Sec. 4.31.
\124\ [Reserved]

[T.D. 71-169, 36 FR 12605, July 2, 1971, as amended by T.D. 77-255, 42 FR 56324, Oct. 25, 1977; T.D. 93-96, 58 FR 67317, Dec. 21, 1993; T.D. 00-22, 65 FR 16517, Mar. 29, 2000]