

GENERAL INSTRUCTIONS

PRIVACY ACT STATEMENT: Submission of an Internal Review Service Number or a Social Security Number is mandatory for cargo moves subject to the harbor maintenance fee. These identification numbers are solicited under the authority of Executive Order 9397 and Public Law 99-662. The identification number provides unique identification of the party liable for the payment of the harbor maintenance fee. The number will be given to the U.S. Customs Service to compare the information provided on the ENG Form 3925 with information submitted on summary sheets accompanying the payment of the fee. Failure to submit the appropriate identification number can result in a fine of not more than \$5,000.00 or imprisonment not to exceed 2 months and/or an assessment of a civil penalty up to \$2,500.00 per violation. (Section 11 of the Rivers and Harbors Act of 1992 as amended by PL 99-662, 33 USC 555).

1. **WHO SHALL FILE:** (a) In general (except as excluded in (2) the entity receiving remuneration for the movement of vessels or for the transportation of goods or passengers on the navigable waters is responsible for ensuring that the statement of commercial activity is filed with the U.S. Army Corps of Engineers.

(b) In the case of lease/charter agreements the lessee or charterer of any vessel engaged in commercial transportation will be responsible for the filing of said reports for all vessels under lease or charter.

(c) Ultimately the vessel owner (or his designated agent) becomes the responsible party for ensuring that all commercial activity of the vessel is reported to the Corps of Engineers.

2. **VESSEL MOVES TO REPORT:** All domestic waterborne commerce vessel moves shall be reported including but not limited to: dry cargo ship and tanker moves, loaded and empty barge moves, towboat moves, with or without barges in tow, movement of crew boats and supply boats to offshore locations, tugboat moves and movements of newly constructed vessels from the shipyard to the point of delivery. Notwithstanding the above requirement, the following waterborne vessel moves need not be reported:

- (I) Movements of recreational vessels.
- (II) Fire, police and patrol vessels.
- (III) Movements of vessels exclusively engaged in construction (e.g., pile drivers and crane barges.) NOTE, however, that movements of supplies, materials and crews to or from a construction site must be reported.
- (IV) Specific movements granted exception by the U.S. Army Corps of Engineers.

3. **HOW TO REPORT:** The Corps will furnish ENG Form 3925 to vessel operating companies required to report. The companies shall complete the forms monthly for all voyages terminated during the month. Upon approval of the Corps instead of completing the forms, companies may submit computer printouts, computer tapes, or diskettes containing the information required on the forms. Vessels that did not complete a move during the month shall be reported as inactive or intransit. Reports of monthly vessel activity shall be forwarded to the Corps within 30 days after the close of the month in which the vessel moves took place.

Forms and reporting instructions can be obtained by writing the

Department of the Army
Waterborne Commerce Statistics Center
CEIWR-NDC-CE
US Army Corps of Engineers
Institute for Water Resources
PO Box 61280
New Orleans, LA 70161-1280

4. **LOADED AT-DISCHARGED AT:** The loading port and dock, and the commodities transported between them must be stated. If there is only one commodity reported, all entries will be made on the first line. Where several commodities are transported between the same points the commodities only will be shown separately on succeeding lines. If there is more than one loading point or discharging point, complete information should be reported on a separate line or lines for each origin/destination pair between which commodities were transported. For example, if corn and soybeans were loaded at Port/Dock A and the corn was discharged at Port/Dock B and the soybeans discharged at Port/Dock C and then wheat was loaded at Port/Dock C and discharged at Port/Dock D, then the form should be completed as follows:

On the first line enter A in the "Loaded at" column and B in the "Discharged at" column, "corn" in the "Commodity" column and tonnage of corn in the "Net Tons" (2,000 lbs.) column.

On the second line enter A in the "Loaded at" column and C in the "Discharged at" column, "soybeans" in the "Commodity" column and the tonnage of soybeans in the "Net Tons" column. On the third line enter C in the "Loaded at" column, D in the "Discharged at" column, "wheat" in the "Commodity" column and the tonnage of wheat in the "Net Tons" column. Please note that commodity types must be specific. "Grain" for example is unacceptable.

Port arrivals and departures involving no cargo would be marked "intransit" or "light" in the "Commodity" column. For light or empty moves, the origin of the trip will be entered in the "Loaded at" column, and the destination will be entered under the "Discharged at" column.

5. **ACTUAL DRAFT:** In designated columns under both "Loaded at" and "Discharged at", enter the deepest actual draft of the vessel at each and every port listed on the form.

6. **UNLOADED CARGO DATA:** Under COMMODITY heading, use standard specific terms (not abbreviations) listing all items transported (including passengers). Enter total number of tons (2,000 lbs.) in "Net Tons" column. If other than tons is used, enter total number of units in "Quantity" column, unit used (bbl., bushels, bales, etc.) in "Unit" column, and give weight per unit in the appropriate column. For passengers carried, enter "passengers" in the "Commodity" column, enter the number of passengers in the "Quantity" column and leave the "Unit" and "Weight per Unit" columns blank.

7. **HARBOR MAINTENANCE FEE INFORMATION:** Vessel operating companies reporting domestic movements of commodities on vessels transiting channels in Customs ports subject to the Harbor Maintenance Fee (HMF) must also report the shipper information (name of shipper and the shipper's IRS or social security number (SSN), or exemption code). This HMF information is required for commodities unloaded on or after 1 April 1987. Please reference the Water Resources Development Act of 1986, Public Law 99-662, Title 14; 19 CFR Parts 3, 24, 146, 178 (Customs). (Also see Corps Federal Register Announcement dated March 25, 1987; Customs Service Federal Register Announcement dated March 30, 1987 and amended in a Federal Register Announcement dated July 14, 1987. The HMF information must be provided for each commodity carried. If the commodity movement is exempt from the fee because of one of the exemptions listed below, the applicable exemption code must be entered in the last column of the form and the name of the shipper and the shipper's IRS number (or SSN) may be omitted. If the commodity movement is not exempt, then the shipper's name and IRS number (or SSN) must be entered on the form. Please indicate whether the number is an IRS number or social security number by prefixing the number with "SSN" or "IRS".

The "shipper" is defined as the company or person paying the freight charges to the vessel operating company. The shipper should provide the vessel operating company all the information necessary to fill in the user fee information items.

EXEMPTIONS

Definition

Code

- A. No Custom port subject to the fee was used by the vessel carrying the commodity.
- B. The commodity is bunker fuel moved to vessel to be used in the operation of the vessel.
- C. The commodity is moved to or from a vessel and serves/served as the vessels' stores used in the operation of the vessel.
- D. The commodity is moved to or from a vessel and is (was) equipment necessary to the operation of the vessel.
- E. The commodity is fish or other aquatic animal life caught and not previously landed on shore.
- F. The commodity or passengers are carried on a ferry. A ferry is a vessel engaged primarily in the ferrying of passengers (including their vehicles) between points within the

U. S. or between the U. S. and contiguous countries, and arrives in the U. S. on a regular schedule during its operating seasons at intervals of at least once each business day.

G. The commodity (other than crude oil) is moved between the U. S. mainland and Alaska or moved from one dock in Alaska to another dock in Alaska.

H. The commodity is moved between the U. S. mainland and Hawaii or moved from one dock in Hawaii to another dock in Hawaii.

I. The commodity is moved between the U. S. mainland and one of the following U. S. possessions: Puerto Rico, Virgin Islands, American Samoa, Guam, Northern Mariannas, and Pacific Trust Territories.

Or the commodity is moved from one dock in one of the above U. S. possessions to another dock in the same U. S. possession.

J. The commodity is moved on this vessel on an inland waterway, and the fuel used to move the cargo is subject to the inland waterway fuel tax. Such movements may be reported on ENG Form 3925B.

K. The commodity is bonded commercial cargo that entered the U. S. for transportation and direct exportation to a foreign country. (For foreign cargo only. Do not use as an exemption for domestic moves).

L. The shipper of the cargo is a U. S. agency.

M. The commodity was unloaded from and loaded back on the same vessel.

N. The commodity was loaded and unloaded at the same Customs port. (i.e., an intra-port move).

P. The value of the commodity is less than and \$1,000.

8. **ALTERNATE CHANNELS USED:** Included in the maintenance work at the U. S. Army Corps of Engineers are many channel and waterway projects wherein a choice of route exists. For example, masters of vessels may elect to use any one of three passes in going from Gulf waters to New Orleans. In cases where alternate routes exist, an indication of which alternate channel was used must be entered on the form by number or name or both.

9. **CONTAINERS AND CONTAINERIZED CARGO:** If the cargo being reported is containerized check the containerized column (CONTRZD) on ENG Form 3925. Complete ENG Form 3925 including the COMMODITY and NET TONS. Then complete ENG Form 3925C indicating the number and size (20 ft units, 40 ft units or write in the size) of loaded and light containers for the same vessel moves reported on ENG Form 3925.

10. **PENALTIES:** Every person or persons offending against the provisions of this regulation shall, for each and every offense, be liable to a fine of not more than \$5,000, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed. In addition, the Corps of Engineers may assess a civil penalty of up to \$2,500 per violation, against any person or entity that fails to provide timely, accurate statements required to be submitted pursuant to this regulation (33 U.S.C., Section 555). In addition to the fines and imprisonment cited above, the lock master can refuse to allow a vessel passage through a lock if the required data has not been furnished to the Corps. The Corps of Engineers will pursue legal action against waterborne vessel operating companies that fail to submit timely, accurate, and complete vessel operation reports (ENG Form 3925 and 3925B or equivalent). Vessel and commodity movement information is to be sent to the Corps within 30 days after the close of the month in which the movement takes place.